

## PROJECT INFORMATION

<b>Project Title</b>	Rush Creek Improvement Project
<b>Brief Description</b>	<p>The Rush Creek Tributary area is currently being overused, in part, due to a lack of adequate water sources across the landscape. Cattle, sheep, wild horses and burros are conditioned to use familiar places that provide adequate resources. The Rush Creek Tributary area is a convenient, accessible and reliable water source and feeding place. In addition, the Nobles Trail traverses through the tributary for about four miles and parallels Smoke Creek Road, a main thoroughfare. Vehicle use on the trail and in the waterway is another source of cultural and riparian degradation that needs to be addressed. This segment is mainly used by four wheel drive enthusiasts and Off Highway Vehicle (OHV) recreationists in the spring, when water is present and in the fall as a connector road for hunters. All these uses are contributing to the ecological degradation of the Rush Creek tributary area, however, conditions have not yet crossed the threshold of no return. In addition, there is a population of silverleaf milkvetch, <i>Astragalus argophyllus</i> var. <i>argophyllus</i> which occurs here. This is a BLM sensitive plant and is currently on the California Native Plant Society's (CNPS) 2.2 list. BLM records of 2002 indicate that this area supported a thriving population of more than 5000 silverleaf milkvetch (<i>A. argophyllus</i>) plants. A recent survey by the Bureau of Land Management (BLM) Eagle Lake Field Office (ELFO) staff revealed less than 100 plants present and degraded upland conditions overall. The ELFO would like to permanently fence off the degraded Rush Creek Tributary portion of this project to vehicular traffic and temporarily fence it off to grazing. Eliminating vehicles from the tributary will protect botanical and cultural resources, eliminate pollution associated with oil and gas emissions and reduce soil compaction. Soil compaction can increase water infiltration, decrease runoff, and reduce severe erosion problems. Temporarily eliminating grazing allows the vegetation to rest and to recover naturally. Dispersed water sources currently provide low water quality and quantities. In an effort to provide quality water for livestock, wildlife, wild horses and burros we would like to re-develop eight adjacent springs and completely develop one spring. This will allow the permittees to more adequately distribute the grazing pattern across the landscape, thus allowing vegetation to recover between grazing visits. In addition, we would like to conserve two important riparian areas. Upper Line Springs is about 100 acres of public land, managed by the BLM. Five Springs is located on a 323 acre inholding, owned by the State of California and managed by the California Department of Fish and Game (CDFG). These systems contribute a substantial amount of water to the watershed. These special places will not be developed, but will be fenced to protect them from the trampling effects of grazing. Fencing will protect the water sources, soils and vegetation and enhance the riparian meadows, improve water quality and provide a naturally sustainable ecosystem.</p>

<b>Total Requested Amount</b>	214,255.00
<b>Other Fund Proposed</b>	15,340.00
<b>Total Project Cost</b>	229,595.00
<b>Project Category</b>	Site Improvement/Restoration
<b>Project Area/Size</b>	487.5
<b>Project Area Type</b>	Acres
<b>Have you submitted to SNC this fiscal year?</b>	No
<b>Is this application related to other SNC funding?</b>	No

<b>Project Results</b>
Infrastructure development/improvement

<b>Project Purpose</b>	<b>Project Purpose Percent</b>
Resource Management	
Water Quality	

<b>County</b>
Lassen

<b>Sub Region</b>
North

**PROJECT CONTACT INFORMATION**

<b>Name</b>	Ms. Valda Lockie,
<b>Title</b>	Ecologist
<b>Organization</b>	Bureau of Land Management, Eagle Lake Field Office
<b>Primary Address</b>	2950 Riverside Rd, , , Susanville, CA, 96130
<b>Primary Phone/Fax</b>	530-252-5325 <b>Ext.</b>
<b>Primary Email</b>	vlockie@blm.gov

## PROJECT LOCATION INFORMATION

### Project Location

Address:	Smoke Creek Road, , Lassen County, CA, 96130 United States
Water Agency:	n/a
Latitude:	40.538852
Longitude:	-120.01190
Congressional District:	n/a
Senate:	n/a
Assembly:	n/a
Within City Limits:	No
City Name:	



ADDITIONAL INFORMATION
------------------------

Grant Application Type
------------------------

<b>Grant Application Type:</b> <b>Category One Site Improvement</b>
--

<b>Grant Application Type:</b> <b>Category One Site Improvement</b>
--

<b>PROJECT OTHER CONTACTS INFORMATION</b>
---

<b>Other Grant Project Contacts</b>
Name: Ms. Valda Lockie, Project Role: Day-to-Day Responsibility Phone: 5302525325 Phone Ext: E-mail: vlockie@blm.gov

## UPLOADS

The following pages contain the following uploads provided by the applicant:

Upload Name
Completed Application Checklist
Table of Contents
Full Application Form
Authorization to Apply or Resolution
Narrative Descriptions
CEQA Documentation
CEQA Documentation
NEPA Documentation
Detailed Budget Form
Restrictions/Agreements
Regulatory Requirements or Permits
Letters of Support
Long Term Management Plan
Project Location Map

Parcel Map Showing County Assessors Parcel Number
Topographic Map
Photos of the Project Site
Land Tenure- Only for Site Improvement Projects
Site Plan - Only Site Improv. or Restoration Proj.
Leases or Agreements

To preserve the integrity of the uploaded document, headers, footers and page numbers have not been added by the system.

Instructions for use of this form:

1. Scroll down and check the box indicating completion of requested information in the appropriate format.

• You can move among the boxes by using your mouse or the "Tab" key.

2. When you have completed the form, print and sign at the bottom.

**Please note:** Adobe® Reader® does not allow you to save your work. It is very important that you print out your form immediately after completing it.

## Appendix B1

### Full Application Checklist

Project Name: Rush Creek Improvement Project EGID#: 718

Applicant: Bureau of Land Management, Eagle Lake Field Office

Please mark each box: check if item is included in the application; mark "N/A" if not applicable to the project. "N/A" identifications must be explained in the application. Please consult with SNC staff prior to submission if you have any questions about the applicability to your project of any items on the checklist. All applications must include a CD including an electronic file of each checklist item, if applicable. The naming convention for each electronic file is listed after each item on the checklist. (Electronic File Name = EFN: "naming convention". file extension choices)

Submission requirements for all Category One and Category Two Grant Applications

1. ☐ Completed Application Checklist (EFN: Checklist.pdf)
2. ☐ Table of Contents (EFN: TOC.doc or .docx)
3. ☐ Full Application Project Information Form (EFN: fapi.doc or .docx)
4. ☐ Authorization to Apply or Resolution (EFN: authorization.doc or .docx)
5. ☐ Narrative Descriptions - Submit a single document (maximum 10 pages, Arial 12 pt font, 1 inch margins) that includes each of the following narrative descriptions (EFN: Narrative.doc or .docx)
  - a. ☐ Detailed Project Description
    - ☐ Project Description including Goals/Results, Scope of Work, Location, Purpose, etc.
    - ☐ Project Summary
    - ☐ Environmental Setting
  - b. ☐ Workplan and Schedule
  - c. ☐ Restrictions, Technical/Environmental Documents and Agreements – Category One projects only
  - d. ☐ Organizational Capacity
  - e. ☐ Cooperation and Community Support
  - f. ☐ Long Term Management and Sustainability
  - g. ☐ Performance Measures
  - h. ☐ Budget

6. Supplemental and Supporting documents

- a. ☒ CEQA/NEPA Compliance Form (EFN: CEQAform.doc or .docx)  
☒ California Environmental Quality Act (CEQA) documentation (EFN: CEQA.pdf)  
☒ National Environmental Policy Act (NEPA) documentation (EFN: NEPA.pdf)
- b. ☒ Detailed Budget Form (EFN: Budget.xls, .xlsx)
- c. Restrictions, Technical/Environmental Documents and Agreements, as applicable  
– Category One projects only  
☒ Restrictions / Agreements (EFN: RestAgree.pdf)  
☒ Regulatory Requirements / Permits (EFN: RegPermit.pdf)
- d. Cooperation and Community Support  
☒ Letters of Support (EFN: LOS.doc, .docx or .pdf)
- e. Long-Term Management and Sustainability  
☒ Long-Term Management Plan (EFN: LTMP.pdf)
- f. Maps and Photos  
☒ Project Location Map (EFN: LocMap.pdf)  
☒ Parcel Map showing County Assessor's Parcel Number(s) (EFN: ParcelMap.pdf)  
☒ Topographic Map (EFN: Topo.pdf)  
☒ Photos of the Project Site (10 maximum) (EFN: Photo.jpg, .gif)
- g. Additional submission requirements for Conservation Easement Acquisition applications only  
☐ Acquisition Schedule (EFN: acqSched.doc, .docx, .rtf, .pdf)  
☐ Willing Seller Letter (EFN: WillSell.pdf)  
☐ Real Estate Appraisal (EFN: Appraisal.pdf)  
☐ Conservation Easement Language (EFN: CE.pdf)  
☐ Third Party Transfer Acknowledgment Letter (if applicable) (EFN: Transfer.pdf)
- h. Additional submission requirements for Site Improvement/Restoration Project applications only  
☒ Land Tenure Documents – attach only if documentation was not included with Pre-application (EFN: Tenure.pdf)  
☒ Site Plan (EFN: SitePlan.pdf)  
☒ Leases or Agreements (EFN: LeaseAgmnt.pdf)

I certify that the information contained in the Application, including required attachments, is accurate.

Valda Lockie  
Signed (Authorized Representative)

10/20/2012  
Date

Valda Lockie  
Name and Title (print or type)

## **Table of Contents: Rush Creek Improvement Project:**

<b>Project Information Form.....</b>	<b>1</b>
<b>Authorization to Apply.....</b>	<b>3</b>
<b>Project Description.....</b>	<b>4</b>
<b>Project Summary.....</b>	<b>7</b>
<b>Environmental Setting.....</b>	<b>7</b>
<b>Work-plan and Schedule.....</b>	<b>8</b>
<b>Restrictions/Technical/Agreement Documents.....</b>	<b>9</b>
<b>Organizational Capacity.....</b>	<b>10</b>
<b>Cooperation and Community Support.....</b>	<b>10</b>
<b>Long Term Management and Sustainability.....</b>	<b>11</b>
<b>Performance Measures.....</b>	<b>11</b>
<b>Budget Narrative.....</b>	<b>13</b>
<b>CEQA/NEPA Compliance Form.....</b>	<b>14</b>
<b>CEQA Documentation.....</b>	<b>18</b>
<b>NEPA Documentation.....</b>	<b>20</b>
<b>Detailed Budget Form.....</b>	<b>21</b>
<b>Restrictions and Agreements.....</b>	<b>22</b>
<b>Regulatory Requirements.....</b>	<b>26</b>
<b>Letters of Support.....</b>	<b>48</b>
<b>Long Term Management Plan.....</b>	<b>50</b>
<b>Project Location Map.....</b>	<b>51</b>
<b>Parcel Maps.....</b>	<b>52</b>
<b>Topographic Map.....</b>	<b>64</b>
<b>Photos.....</b>	<b>65</b>
<b>Land Tenure Documents.....</b>	<b>70</b>
<b>Site Plan.....</b>	<b>71</b>
<b>Leases and Agreements.....</b>	<b>73</b>

Instructions for use of this form:

1. Scroll down and check the box indicating completion of requested information in the appropriate format.

• You can move among the boxes by using your mouse or the "Tab" key.

2. When you have completed the form, print and sign at the bottom.

**Please note:** Adobe® Reader® does not allow you to save your work. It is very important that you print out your form immediately after completing it.

## Appendix B2

### Project Information Form

**PROJECT NAME** (Limit name to 10 words or less)

**EGID#** 718

Rush Creek Improvement Project

**APPLICANT NAME** (Legal name, address, and zip code)

Bureau of Land Management

Eagle Lake Field Office

2950 Riverside Drive

Susanville, CA.

96130

**PROJECT DESCRIPTION:** Refer to Sec. IV, 5a in the GAP.

Has the project description been updated from the project description submitted with the Pre-Application form? (Choose One) ☐ SAME ☒ UPDATED

#### CONSISTENCY WITH LOCAL GENERAL PLAN

Is this project consistent with the appropriate jurisdiction's (city/county) general plan?

☒ Yes ☐ No (If not, explain why not.)

#### WILLIAMSON ACT STATUS (for conservation easement acquisition projects only)

Is the project enrolled in a Williamson Act contract with the local county? ☐ Yes ☒ No

If yes, what is the expiration date of the contract? \_\_\_\_\_

#### FUNDING AND BUDGET INFORMATION

SNC Grant Request \$ 214,255.

☐ Check if SNC is the sole funder of this project

#### PERSON WITH FISCAL MANAGEMENT RESPONSIBILITY FOR GRANT CONTRACT/INVOICING

Name and title – type or print

Phone

Email Address

☐ Mr.

530-252-5325

vlockie@blm.gov

☒ Ms. Valda Lockie

#### PERSON WITH DAY-TO-DAY RESPONSIBILITY FOR GRANT (Only include this information if different from pre-application submittal)

Name and title – type or print

Phone

Email Address

☐ Mr.

☐ Ms.



**COUNTY ADMINISTRATOR OR PLANNING DIRECTOR CONTACT INFORMATION** (*At least one entry with Email address is REQUIRED*)

Name: Bill Whitney

Phone Number: 775-328-3600

Email Address: planning@washoecounty.us

Name:

Phone Number:

Email Address:

**NEAREST PUBLIC WATER AGENCY (OR AGENCIES) CONTACT INFORMATION** (*At least one entry with Email address is REQUIRED*)

Name: Morice Anderson

Phone Number: 530-251-8269

Email Address: landuse@co.lassen.ca.us

Name:

Phone Number:

Email Address:

**Please identify the appropriate project category below and provide the associated details** (*Choose One – should be the same as the category identified in the pre-application*)

☒ Category One Site Improvement

☐ Category Two Pre-Project Activities

☐ Category One Conservation Easement Acquisition

**☒ Site Improvement/Conservation Easement Acquisition**

Project Area: Rush Creek

Total Acres: 487.5

SNC Portion (if different):

Total Miles (i.e. river or stream bank): 12.02

SNC Portion (if different):

**For Conservation Easement Acquisitions Only**

☐ Appraisal Included

☐ Will submit appraisal by

**Select one primary Site Improvement/Conservation Easement Acquisition deliverable**

☐ Stream Restoration/Protection

☐ Management Practices Changes

☐ Natural Resource Protection

☒ Infrastructure Development/Improvement

☐ Conservation Easement

**Does the applicant intend to transfer the easement to a third party?** ☐ Yes ☐ No

If yes, is the third party organization known? ☐ Yes ☐ No If yes, please attach a letter from this organization documenting their willingness to assume the long term management of the project.

**☒ Pre-Project Activities**

CEQA/NEPA  
Burned areas within this  
project will be seeded by  
BLM in the fall of 2012.

**Select one primary Pre-Project deliverable**

☐ Permit

☐ Condition Assessment

☒ CEQA/NEPA

☐ Biological Survey

☐ Appraisal

☐ Environmental Site

☐ Plan

Assessment



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Eagle Lake Field Office  
2950 Riverside Drive  
Susanville, CA 96130  
[www.ca.blm.gov/eaglelake](http://www.ca.blm.gov/eaglelake)



October 11, 2012

Sierra Nevada Conservancy  
11521 Blocker Drive, Suite 205  
Auburn, CA 95603

Sierra Nevada Conservancy,

The proposed Rush Creek Improvement Project has been identified as meeting the mission and goals of the Eagle Lake Resource Management Plan. This project is recognized as a necessary and feasible project. All of the project sites are located in Lassen County, CA. and Washoe County, NV. These public lands are managed by the Bureau of Land Management, Eagle Lake Field Office, excluding one 200 acre parcel (Five Springs) which is on state land, managed by the California Department of Fish and Game.

I hereby authorize Valda Lockie, the Ecologist at the Bureau of Land Management, Eagle Lake Field Office to apply for project funding with the Sierra Nevada Conservancy. The intent of this project is to improve rangeland conditions in the Rush Creek region. If this project is awarded funding, Valda Lockie, BLM Ecologist, will be the project representative.

Sincerely,

Kenneth R. Collum  
Field Manager

## Narrative Descriptions

### A. Detailed Project Description

The Rush Creek Tributary area is currently being overused, in part, due to a lack of adequate water sources across the landscape. Cattle, sheep, wild horses and burros are conditioned to use familiar places that provide adequate resources. The Rush Creek Tributary area is a convenient, accessible and reliable water source and feeding place. In addition, the Nobles Trail traverses through the tributary for about four miles and parallels Smoke Creek Road, a main thoroughfare. Vehicle use on the trail and in the waterway is another source of cultural and riparian degradation that needs to be addressed. This segment is mainly used by four wheel drive enthusiasts and Off Highway Vehicle (OHV) recreationists in the spring, when water is present and in the fall as a connector road for hunters.

All these uses are contributing to the ecological degradation of the Rush Creek tributary area, however, conditions have not yet crossed the threshold of no return. In addition, there is a population of silverleaf milkvetch, *Astragalus argophyllus* var. *argophyllus* which occurs here. This is a BLM sensitive plant and is currently on the California Native Plant Society's (CNPS) 2.2 list. BLM records of 2002 indicate that this area supported a thriving population of more than 5000 silverleaf milkvetch (*A. argophyllus*) plants. A recent survey by the Bureau of Land Management (BLM) Eagle Lake Field Office (ELFO) staff revealed less than 100 plants present and degraded upland conditions overall.

The ELFO would like to permanently fence off the degraded Rush Creek Tributary portion of this project to vehicular traffic and temporarily fence it off to grazing. Eliminating vehicles from the tributary will protect botanical and cultural resources, eliminate pollution associated with oil and gas emissions and reduce soil compaction. Soil compaction can increase water infiltration, decrease runoff, and reduce severe erosion problems. Temporarily eliminating grazing allows the vegetation to rest and to recover naturally.

Dispersed water sources currently provide low water quality and quantities. In an effort to provide quality water for livestock, wildlife, wild horses and burros we would like to re-develop eight adjacent springs and completely develop one spring. This will allow the permittees to more adequately distribute the grazing pattern across the landscape, thus allowing vegetation to recover between grazing visits.

In addition, we would like to conserve two important riparian areas. Upper Line Springs is about 100 acres of public land, managed by the BLM. Five Springs is located on a 323 acre inholding, owned by the State of California and managed by the California Department of Fish and Game (CDFG). These systems contribute a substantial amount

of water to the watershed. These special places will not be developed, but will be fenced to protect them from the trampling effects of grazing. Fencing will protect the water sources, soils and vegetation and enhance the riparian meadows, improve water quality and provide a naturally sustainable ecosystem.

The overall goals are to:

- Improve ecological conditions and wildlife habitat in the Rush Creek Tributary area and adjacent landscape.
- Improve water quality and watershed conditions across Smoke Creek-Frontal Smoke Creek Desert and Deep Creek-Secret Creek watersheds.
- Increase water source availability by providing dispersed and sustainable water sources for cattle, sheep, wildlife and wild horses and burros.
- Protect and enhance a population of silverleaf milkvetch, a special status plant.
- Protect this segment of the Noble's Emigrant National Historic Trail to enhance historic and recreational values.

The objectives are to:

- Reduce bare soil to less than 20 percent throughout the Rush Creek Tributary area.
- Protect wagon track swales in this segment of the Noble's Trail/Rush Creek Tributary.
- Increase the Rush Creek Population of silverleaf milk vetch to at least half of the 2002 rates of 5000 individuals.
- Improve riparian wildlife habitat
- Permanently fence Five Springs and Upper Line Springs riparian areas to improve ecological processes and water quality and to create sustainable riparian meadows.

The goals of this project are reflective of Proposition 84. It seeks to protect water sources across two watersheds, a special status plant population and cultural resources. Fencing will allow natural processes to improve ecological conditions at two meadows and to enhance riparian areas at nine dispersed spring sites. This project has a direct focus on agricultural land by improving grazing conditions on a landscape level and in four compartments of the Twin Peaks grazing allotment.

The scope of this project will encompass approximately 500 acres dispersed across the landscape. The Rush Creek Tributary area will be fenced using a t-post four wire

design. Water gaps will be incorporated in the design to ensure cattle, sheep and wild horses and burros will have access to the two water sources available at this site. Pedestrian and equestrian accessible gates will be installed at the north and south ends of the Noble's Trail segment. This will allow access for those interested in participating in non-motorized recreational activities, such as hunting, wildlife viewing and historical re-enactments.

Eight dispersed springs have been identified for re-development and one for development. All are located within a ten mile radius of the Rush Creek tributary area and all are adjacent to established roadways. Phone Trough, Coyote Spring, Rush Canyon Spring, Jenkins Spring, Sheep Trail Spring 1, Jenkins Trough Springs, Lower Line Spring and Antelope Spring will be re-developed and Lone Willow Spring will be developed. Each site is unique and will have specific requirements. The general method is to install spring boxes, cradled aluminum troughs, inflow and outflow pipes and escape ladders; this allows small wildlife species to escape if they happen to fall into the trough.

A collection box, or spring box is constructed out of corrugated metal pipe, 24 inches in diameter and is inserted into the ground to the water bearing strata of the spring site. A backhoe is used to dig a trench from the collection box to the trough area. At the trough site, either gravel fill or concrete will be used to provide a foundation for the troughs. If concrete is mixed it will be hand mixed on site. A backhoe will be used to dig a trench line for the pipe. Once the concrete has set, an aluminum trough(s) will be installed on the concrete pad. The inflow and outflow piping will be installed and the trough will fill via gravity. Escape ramps will be included in every trough installed.

These spring sites provide a natural riparian area that will be fenced using a t-post four wire design. These places provide good habitat for birds, including sage-grouse, wildlife and invertebrates. This design will keep grazers out but will allow small animals and birds to access the area.

Spring Development	Location	Treatment
Antelope Spring	40°438611 -120°119148	Spring box, piping, gravel fill, escape ladders, fence riparian area
Coyote Spring	40°523274 -120°097564	Remove old concrete trough, spring box, piping, float valve, two troughs & escape ladders, gravel fill, fence riparian area
Jenkins Spring	40°437881 -120°106	Piping, escape ladders, float valve, fence riparian area
Jenkins Troughs	40°524631 -119°985287	Spring box, piping, float valve, two troughs, escape ladders, fence riparian area
Lone Willow	40°474778	Spring box, piping, float valve, trough & escape



Spring	-120°098336	ladder, fence riparian area
Lower Line Spring	40°567105 -120°003063	Spring box, piping, float valve, two troughs with escape ladders
Phone Trough	40°3217733 -120°159942	Remove old concrete trough, install piping, trough with escape ladders, float valve, gravel fill
Rush Canyon Spring	40°328.030 -120°345.036	Two troughs with escape ladders and fence riparian area
Sheep Trail Spring 1	40°2911.429 -120°212.030	Piping, float valve, trough & escape ladder, fence riparian area
<b>Fencing</b>	<b>Location</b>	<b>Treatment</b>
Five Springs	40°536655 -120°134203	Two miles of steel pipe fencing
Rush Creek Tributary	40°3224589 -120°21.844	Four miles of four wire design fencing
Upper Line Spring	40°56786 -120.004498	Two miles of four wire design fencing

All rangeland work in WSA's will adhere to BLM Wilderness Management Guidelines. To enhance restoration success weed treatments will occur in all areas. Monitoring special status plants, weeds and fencing and development will all be a part of this project and will be discussed in detail in the Long Term Management Plan.

### Project Summary

The ELFO will temporarily enclose the segment of the Noble's Trail which is also the Rush Creek Tributary area to vehicular traffic. This area is about 225 acres. A walk through gate will be provided for pedestrian and equestrian access. The Rush Creek Tributary enclosure will protect populations of silverleaf milkvetch that are currently being overgrazed. To encourage dispersed grazing, nine adjacent springs located within a ten mile radius of the Rush Creek Tributary area will be developed. Each site consists of approximately one acre each. This will create sustainable water sources across the landscape that will provide adequate amounts of quality water for cattle, sheep, wildlife and wild horses and burros. The permittees will then be able to drive livestock to these improved places thus allowing for dispersed grazing. The second aspect of this project seeks to create riparian meadows and will permanently fence Upper Line Springs which is about 100 acres. This project will also permanently fence 65 acres of Five Springs, which is California state land, managed by the California Department of Fish and Game (CDFG).

### Environmental Setting

The Bureau of Land Management, Eagle Lake Field Office manages just over one million acres with most land located in Lassen County, California and Washoe County,

Nevada. Livestock grazing is permitted on 980,000 acres, in 54 allotments with 49 permittees. This region is composed mainly of remote sagebrush rangeland where summers are hot and dry and winters are generally cold. Precipitation levels in this region range between 8-12 inches, most is in the form of snowfall and the amounts can vary from year to year.

The topography is comprised of scattered mountain peaks connected by flat bottomed valleys with elevations ranging between 4500-7500 feet. Soils are generally rocky, formed from colluvium and derived from volcanic parent material. The vegetation is dominated by sagebrush, rabbit brush and bitterbrush with and understory consisting of perennial grasses and herbaceous forbs. Juniper trees are scattered in patchy stands and small riparian areas dot this arid landscape.

## **B. Work Plan and Schedule**

All work can be scheduled to begin after 60 days of SNC authorization and as soon as conditions permit i.e. snowfall and road conditions must allow for access. This is generally sometime after May 15.

When soils have stabilized after the spring thaw, development and re-development work can begin at the dispersed water source sites. It is anticipated that the easiest access sites will be the first sites to receive treatment. Contracted fencing activities will begin in June of 2013 and will be completed in the first year.

Weed inventories will be conducted at all sites, including Five Springs. At the time of inventory any noxious weeds found will be documented and treated. Special status plant surveys will be conducted, if new populations are found they will be documented and added to the monitoring map and included in the annual survey schedule.

Project Sites	Detailed Deliverables	Timeline
Weed inventories and Treatments	All sites will be inventoried for weed infestations and treated, BLM staff	June 11-14, 2013 Repeated annually and indefinitely at BLM expense
Special Status Plant Surveys	Inventory and monitor SSP populations in project area. BLM Staff	June 10-14, 2012 Repeated annually and indefinitely at BLM expense
R C Tributary/Noble's Trail	Install wire fencing- Contracted	June 10-14, 2013
Phone Trough	Re-development BLM staff	June 10-13, 2013
Upper Line Spring	Install wire fencing- Contracted	June 17-21, 2013
Five Springs	Install pipe fencing- Prison Crews-CDFG supervision and in kind contribution.	July 8-12, 2013 July 15-19, 2013

Rush Canyon Spring	Re-development BLM Staff Install wire fencing- BLM Staff	August 12-13, 2013 August 19-21, 2013
Coyote Spring	Re-development BLM Staff Install wire fencing- BLM Staff	September 9-12, 2013 September 16-18, 2013
Antelope Spring	Re-development BLM Staff	July 7-8, 2014
Jenkins Spring	Redevelopment BLM Staff Install wire fencing- BLM Staff	July 28-31, 2014 August 4-6, 2014
Lone Willow Spring	Development BLM Staff Install wire fencing-BLM Staff	August 18-21, 2014 August 25-27, 2014
Sheep Trail 1 Spring	Redevelopment BLM Staff	June 22-25, 2015
Lower Line Spring	Redevelopment BLM Staff	August 10-13, 2015
Jenkins Trough Spring	Redevelopment BLM Staff Install wire fencing-BLM Staff	September 14-18, 2015 October 1-4, 2015
Range improvement inspections	This will occur annually. Necessary maintenance will occur.	Repeated annually at BLM expense.

### **C. Restrictions, Technical/Environmental Documents and Agreements**

These sites are located in Wilderness Study Areas (WSA). This project will operate under BLM guidelines, 6330-Management of Wilderness Study Areas. This guidance outlines how rangeland improvements, maintenance and management can be carried out in WSA. Actions that seek to protect cultural resources are also included in this guidance. All aspects of this project and best practices for retaining wilderness characteristics have been evaluated by the ELFO staff and applied to the design of this project. The applicable portion of this guidance is included in the Regulatory Requirements section of this document.

Permits are not applicable because all the work will be done on BLM and California state land. There will be no streambed ground disturbance which eliminates the need for a Section 404 permit. The California Department of Fish and Game has stated that they do not require any permits to construct fencing because the fencing is wildlife friendly.

Antelope Spring is part of a small 40 acre inholding, owned by Mr. John Espil. The overflow is on BLM land and a Rangeland Agreement is in place between Mr. Espil and the BLM. The ELFO and Mr. Espil have a long history of cooperating and working together to improve rangeland conditions. Mr. Espil, other permittees, hunting and



environmental groups were contacted about this project during the NEPA scoping period. There were no opposing comments received in fact, the comments received were positive and supportive.

Five Springs is located on California State Land and managed by the California Department of Fish and Game. There is a Memorandum of Understanding (MOU) in place between the BLM and the CDFG that allows collaborative projects to occur. This document is on file at the Eagle Lake BLM Office. It is called the Master Memorandum of Understanding between the California Department of Fish and Game and the Bureau of Land Management Department of the Interior # 6521.11 CA-932.2 WPC 0119R WPC 0106R.

#### **D. Organizational Capacity**

The BLM is a land management agency operating under the Department of the Interior. Nationally, the BLM manages livestock grazing, mining, energy development and wild horses and burros on BLM designated lands. There are several federal laws that guide the BLM such as the Federal Land Policy Management Act, the Free Roaming Wild Horse and Burro Act, the 1872 Mining Act, and the National Environmental Policy Act.

This project will require a compilation of contracted work, in house labor and prison labor. Funding for contracted labor is requested in this project proposal. The contracted fencing labor will be provided through the General Services Administration (GSA). Under GSA guidelines the ELFO will place a bid for the labor. At this stage it is unknown who the contractor will be, under this program only qualified businesses are allowed to bid, we must assume that they will have expertise in this area. The labor to install the Five Springs pipe fencing will be provided by prison labor, overseen and paid for by the California Department of Fish and Game, Wendell, CA. Office.

All spring development, re-development and spring site fencing will be conducted by the BLM, ELFO staff. The spring development and re-development is very specialized work. Our staff has the experience and expertise to complete this work correctly and more efficiently than contracted labor. Labor to fence the spring box areas will also be completed by ELFO staff. Scheduling the development and re-development of the springs is estimated at three springs per year over a three year period. The ELFO will provide the labor necessary to fence these areas after the development work at the sites are completed and equipment has been removed.

#### **E. Cooperation and Community Support**

The Honey Lake Valley Resource Conservation District (RCD) has expressed a positive interest in this project. Tim Keeseey, RCD Watershed Coordinator will take part in

flagging the sites for fencing. The California Department of Fish and Game and the Nevada Department of Wildlife have both expressed support for this project.

## **F. Long-term Management and Sustainability**

This project will improve long term flexibility in rangeland grazing management. It will enhance sustained wildlife habitat through all life stages and across multiple population cycles. Long term benefits to water quality are expected, specifically sediment reduction within the project areas and downstream. Aquatic ecosystems will be allowed to slowly recover naturally and to approach pre-disturbance conditions.

Temporary fencing and maintenance free pipe fencing will enhance natural recovery and cultural resource protection. This will allow for sustainable land management practices. The troughs to be used are long lasting aluminum troughs. These have been shown to last more than thirty years. Installing aluminum troughs and fencing riparian areas to exclude grazers will reduce maintenance costs and provide sustainable clean accessible water sources across the landscape.

The long term management of this project will include special status plant surveys, weed monitoring and treatments and annual range improvement inspections. The ELFO currently has active and effective special status plant, weed monitoring and range improvement inspection programs in place. These programs require annual surveys and the project sites that are not currently a part of these surveys will be added to existing monitoring schedules. This is something the BLM does on an annual basis therefore; labor costs for monitoring special status plants, weed treatment and facility maintenance have not been requested under this project proposal. The Long Term Management Plan discusses these programs in further detail.

## **G. Performance Measures**

This project aligns with four Sierra Nevada Conservancy Performance Measures:

- Acres of land improved or restored
- Linear feet of stream bank protected or restored
- Number of significant sites protected or preserved
- Feet of trail/path constructed or improved

### Acres of Land Improved or Restored

The project area includes approximately 500 acres. The purposes of the land improvement and restoration are natural resource protection, water quality improvement, wildlife habitat enhancement, resource management, and recreation. Natural resources protection will include the at-risk population of *Astragalus argophyllus*

*var. argophyllus*, weed treatments, and reduced soil erosion. With reduced soil erosion, sediment loading in the waterways will be reduced, thereby improving water quality and aquatic habitat. The lands included in the project area are important for a diverse array of wildlife, and this project seeks to enhance wildlife habitat. This project will assist in resource management, specifically grazing management, with improved distribution of livestock and water sources. Recreation will be improved by ending the degradation of the Nobles Emigrant National Historical Trail. All areas within this project are identified as highly important ecological sites; therefore, the land improvement and restoration efforts are of high priority.

<b>Location</b>	<b>Acres of Land Improved or Restored</b>
Antelope Spring	13.6 acres
Coyote Spring	9.6 acres
Jenkins Spring	4.7 acres
Jenkins Troughs	12.2 acres
Lone Willow Spring	1.9 acres
Lower Line Spring	60
Phone Trough	2.0
Rush Canyon Spring	2.6 acres
Sheep Trail Spring 1	0.3 acres
Five Springs	64.0 acres
Rush Creek Tributary	217.2 acres
Upper Line Spring	99.7 acres

#### Linear Feet of Stream Bank Protected or Restored

<b>Location</b>	<b>Linear feet of stream bank protected</b>
Antelope Spring	N/A – wetland with no defined channel
Coyote Spring	2,586 feet
Jenkins Spring	N/A – wetland with no defined channel
Jenkins Troughs	5,164 feet
Lone Willow Spring	N/A – wetland with no defined channel
Lower Line Spring	N/A – fence existing
Phone Trough	N/A – fence existing
Rush Canyon Spring	1,096 feet
Sheep Trail Spring 1	N/A – wetland with no defined channel
Five Springs	18,604 feet
Rush Creek Tributary	25,528 feet
Upper Line Spring	10,490 feet

#### Number of Significant Sites Protected

The Rush Creek area is a place that provided adequate water, food sources and animal

habitat. There are several documented pre-historic and historic sites found across this landscape. This project will protect a two mile segment of the Nobles Trail, a historic emigrant trail. Eleven known lithic scatters and three milling sites will be enhanced by this project. Two habitation sites, one with evidence of pre-historic and historic uses will be protected. This project will also protect a petroglyph site.

#### Feet of Trail/Path Constructed or Improved

The Nobles Emigrant National Historic Trail is a federally-designated historical and cultural site. The trail traverses through the Rush Creek tributary portion of the project, where the condition and values of the trail are currently at risk. The Nobles Emigrant National Historic Trail is open to the public as a multi-use trail. Restoration and protection of this area will ensure the continued enjoyment of the trail by the public while eliminating vehicular traffic that is causing degradation of both the trail and the riparian ecosystem. In total, 8,769 feet of trail and adjacent landscape will be restored and protected.

#### **H. Budget Narrative**

The BLM and the CDFG will provide in-kind support in the form of fence installation, monitoring, weed treatment and maintenance labor and costs. CDFG is able to provide the labor to build, monitor and maintain the pipe fencing around Five Springs. In addition, the BLM will contribute to this project by monitoring for special status plants and weeds and applying any treatments required. The BLM will also take responsibility for the maintenance of all improved facilities on federal land, this includes developments and wire fencing, and the removal of temporary fencing around the Rush Creek Tributary area. This totals to \$14,540.00 over a four year period.

The California Department of Fish and Game is able to contribute the costs of hiring prison labor to install steel pipe fencing around Five Springs. This is maintenance free fencing that is commonly used by land and wildlife agencies. The total cost for installation and maintenance under this project is a one-time cost of \$800.00 the first year. If any maintenance costs arise due to vandalism or acts of nature the CDFG will be responsible for all maintenance costs.

Providing adequate water sources across the landscape will improve livestock grazing conditions which will benefit the ranching industry region wide. This project will also improve ecological conditions that will enhance wildlife populations and improve the health and vitality of wild horse and burro populations. This can allow for increased recreational opportunities to the area in the form of wildlife viewing, hunting, hiking and camping. It is anticipated that increased recreation will increase economic revenue to the region.

# Appendix B4

## SIERRA NEVADA CONSERVANCY

### PROPOSITION 84 - DETAILED BUDGET FORM

**Project Name:** Rush Creek Improvement Project

**Applicant:** Bureau of Land Management, Eagle Lake Field Office

SECTION ONE				Project Cost Breakdown				
DIRECT COSTS	Units	Unit Cost	Total Cost	Year One (2013)	Year Two (2014)	Year Three (2015)	Year Four (2016)	Total
Gravel Fill	3	40	120.00	\$80.00	\$40.00	\$0.00	\$0.00	\$120.00
Spring box	4 ea	800	3,200.00	\$800.00	\$1,600.00	\$800.00	\$0.00	\$3,200.00
Piping	1230 ft	3	3,690.00	\$1,290.00	\$1,050.00	\$1,350.00	\$0.00	\$3,690.00
Float Valve	7	20	140.00	\$40.00	\$40.00	\$60.00	\$0.00	\$140.00
Aluminum Troughs	11ea	950	10,450.00	\$4,750.00	\$950.00	\$5,700.00	\$0.00	\$11,400.00
Bird Escape Ramps	11 ea	50	550.00	\$250.00	\$50.00	\$250.00	\$0.00	\$550.00
Wire Fencing at Springs	1.75	1984	3,472.00	\$992.00	\$1,488.00	\$992.00	\$0.00	\$3,472.00
Wire Fencing Rush Creek Tributary	4 miles	1984	7,936.00	\$7,936.00			\$0.00	\$7,936.00
Wire Fencing Upper Line Springs	2 miles	1984	3,968.00	\$3,968.00			\$0.00	\$3,968.00
Pipe Fencing Five Springs	2 miles	48237	96,474.72	\$96,475.00			\$0.00	\$96,475.00
Interpretive Signs	2	1000	2,000.00	\$2,000.00			\$0.00	\$2,000.00
Fencing Contractor Labor	.58'	31680'	18,375.00	\$18,375.00			\$0.00	\$18,375.00
Equipment Costs	3	2057	6,171.00	\$2,057.00	\$2,057.00	\$2,057.00	\$0.00	\$6,171.00
Spring Fencing Labor	160 hrs	33	5,280.00	\$1,760.00	\$1,760.00	\$1,760.00	\$0.00	\$5,280.00
BLM Spring Development Labor	320 hrs	51	16,320.00	\$5,440.00	\$5,440.00	\$5,440.00	\$0.00	\$16,320.00
BLM Spring Development Labor	320 hrs	49	15,680.00	\$5,227.00	\$5,227.00	\$5,226.00	\$0.00	\$15,680.00
<b>DIRECT COSTS SUBTOTAL:</b>	17	#####	\$193,826.72	\$151,440.00	\$19,702.00	\$23,635.00	\$0.00	\$194,777.00

SECTION TWO				Project Cost Breakdown				
INDIRECT COSTS	Units	Unit Cost	Total Cost	Year One	Year Two	Year Three	Year Four	Total
Monitoring			0.00					\$0.00
Project materials & supplies purchased			0.00					\$0.00
Publications, Printing, Public Relations			0.00					\$0.00
			0.00					\$0.00
<b>INDIRECT COSTS SUBTOTAL:</b>	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>PROJECT TOTAL:</b>	17	#####	\$193,826.72	\$151,440.00	\$19,702.00	\$23,635.00	\$0.00	\$194,777.00

SECTION THREE				Project Cost Breakdown				
Administrative Costs (Costs may not to exceed 15% of total Project Cost) :	Units	Unit Cost	Total Cost	Year One	Year Two	Year Three	Year Four	Total
Administration Costs	3	10%	19,478.00	\$15,144.00	\$1,970.00	\$2,364.00	\$0.00	\$19,478.00
			0.00				\$0.00	\$0.00
			0.00				\$0.00	\$0.00
			0.00				\$0.00	\$0.00
<b>ADMINISTRATIVE TOTAL:</b>	3	\$0.10	\$19,478.00	\$15,144.00	\$1,970.00	\$2,364.00	\$0.00	\$19,478.00
<b>SNC TOTAL GRANT REQUEST:</b>	20	#####	\$213,304.72	\$166,584.00	\$21,672.00	\$25,999.00	\$0.00	\$214,255.00

SECTION FOUR				Years Fund Received				
OTHER PROJECT CONTRIBUTIONS				Year One	Year Two	Year Three	Year Four	Total
BLM								
Weed Monitoring/Treatments Labor			0.00		\$2,240.00	\$2,240.00	\$2,240.00	\$6,720.00
Weed Herbicides	4	300	1,200.00	\$300.00	\$300.00	\$300.00	\$300.00	\$1,200.00
Special Status Plant Monitoring	40	32	1,280.00	\$1,280.00	\$1,280.00	\$1,280.00	\$1,280.00	\$5,120.00
Estimated Facility Repairs			0.00				\$1,500.00	\$1,500.00
			0.00					\$0.00
CDFG			0.00					\$0.00
Steel Fencing Installation Costs	4 days	200	800.00	\$800.00				\$800.00
<b>Total Other Contributions:</b>	44	#####	\$3,280.00	\$2,380.00	\$3,820.00	\$3,820.00	\$5,320.00	\$15,340.00

**NOTE:** The categories listed on this form are examples and may or may not be an expense related to the project. Rows may be added or deleted on the form as needed. Applicants should contact the SNC if questions arise.

\* Operating Costs should be allocated to the percentage that is applicable to the grant based on your cost allocation methodology and cannot exceed 15% of your total project costs.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

## COOPERATIVE AGREEMENT FOR RANGE IMPROVEMENTS

FOR BLM USE ONLY				
State . . . . .	C	A		
Office . . . . .	0	2	4	
Expires	EXTENDED TO			
Job Number(s)	.			
Job Name(s)				
Twin Peaks Allot.				

INSTRUCTIONS - Cooperator(s) to receive original, and one copy each to the District case or lease file and District job file.

Job Name(s)  
Twin Peaks Allot.

1. I, (We)      Espil Sheep Company      of      Susanville, Calif.  
                  Laver Ranch      of      Standish, Calif.  
                       of  
 and      of

hereinafter called cooperator(s) and the United States of America, by the Bureau of Land Management, hereinafter called the Bureau, for and in consideration of the mutual benefits hereinder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315, 315a-r), as amended, the National Soil Conservation Act (16 U.S.C. 590a-q(1)), as amended, the Federal Land Policy and Management Act (43 U.S.C. 1701, et. seq.), and the Public Rangelands Improvement Act (43 U.S.C. 1904) do enter into this cooperative agreement for the construction and/or maintenance of range improvements, installation of conservation works or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the public lands and of the cooperator(s).

2. The improvements known as the See Attachment

☐ will be ☐ are located upon:                      ¼, Sec(s).                      , T.                      , R.  
Meridian, County of                      , State of

3. IT IS MUTUALLY AGREED:

(a) The parties hereto will furnish labor, materials, and equipment as required, the total cost or value not to exceed the amount listed below for each of the parties respectively for the initial construction and/or installation of the improvements indicated in paragraph 2.

NAME(s) OF COOPERATOR(s)	ITEMS	TOTAL COST OR VALUE
Espil Sheep Company	Maintenance	\$
Laver Ranch	Maintenance	
BUREAU OF LAND MANAGEMENT	Reconstruction	
	AGGREGATE COST	\$

(b) Upon notice from the authorized officer of the Bureau, cooperator(s) will promptly supply labor, materials, and equipment as specified in paragraph 3(a) as required. Contributed materials in excess of the amount required shall be returned to the contributor. Equipment contributed shall be returned promptly following completion of the work. Work will be conducted under the supervision and direction of the authorized officer and shall be pursued with diligence until completed.

4(a) The cooperator(s) shall be liable, jointly and severally, for the repair and maintenance of the improvements following completion, in good and serviceable condition. The cooperator(s), without further notice from the authorized officer shall do the necessary work promptly. If work is not performed as necessary, the authorized officer shall notify the cooperator(s) and specify a period within which to complete the work as required.

(b) In event the cooperator(s) default in the repair and maintenance of the improvements the authorized officer may do or cause such work to be done for and in behalf of the cooperator(s); and the necessary cost and expense thereof shall become a charge and obligation upon and shall be paid by the cooperator(s). It is further understood in case of default that any grazing permit or lease may be cancelled and may not be renewed or extended or any assignment thereof may not be approved unless and until all charges and costs owed by the cooperator(s) hereunder shall have been paid; and provided that the Bureau may pursue such other remedies, legal or administrative, as may be authorized.

(c) Repair and maintenance, as herein required, shall mean normal upkeep and maintenance necessary to preserve, protect, and prolong the useful life of the improvements, but shall not include major repairs where the damage is due to floods, earthquakes, or other acts of God, or fire not the result of fault or negligence of the cooperator(s) as determined by the authorized officer.

#### 5. IT IS FURTHER AGREED:

(a) Title to the said improvements in place, together with all labor and materials furnished by either party and used in the construction and maintenance thereof, shall be in the United States of America. The improvements may be removed, in whole or in part, during the term of this agreement or any extension thereof, by mutual consent of the parties or by direction of the authorized officer; such removal shall be made by the cooperator(s), or by the Bureau at its option. Upon removal of the improvements, any salvageable materials, after deducting an amount to compensate for the actual cost of removal, shall be available for distribution to the parties then subject to this agree-

ment in proportion to the actual amount of their respective contributions to the initial construction of the improvements. The parties shall take possession and remove their portion of the salvaged materials within one hundred and eighty (180) days after first notification in writing that such material is available; upon failure to do so within the time allowed, the materials shall be deemed to have been abandoned and title thereto shall thereupon vest in the United States.

(b) During the course of salvaging material, the United States assumes no responsibility for the protection or preservation of said material.

6. If the cooperator(s) shall assign or transfer any grazing permit or lease embracing the lands upon which the improvements are constructed or in connection with which they are used, the cooperator(s) shall include in such assignment or transfer his interest in this Cooperative Agreement. Before the assignee or transferee will be recognized as successor to the cooperator(s)'s interest hereunder, such assignee or transferee will be required by the authorized officer to accept an assignment of this agreement and agree to be bound by the provisions respecting the use and maintenance of the improvements.

7. The cooperator(s) use of the improvements will be in conformance with any special conditions, the grazing permit(s) or lease(s), and regulations of the Secretary of the Interior.

8. This agreement shall not accord to cooperator(s) any preference, privilege, or consideration with respect to any grazing permit or lease not expressly provided herein or in the rules and regulations governing such grazing permit or lease.

9. Items 2, 3, and 4(a) of this agreement may be modified or cancelled by written agreement of the parties, which agreement shall become a part hereof.

10. This contract is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.

11. This agreement shall remain in effect indefinitely from date of signature unless (1) sooner terminated by mutual written consent of parties, or (2) is terminated by the authorized officer after notice in writing because of the cooperator(s) default or violation, or (3) is terminated by the authorized officer after notice in writing because the improvements are not compatible with adopted land use plans or classification under the public land laws.



PROJECT NUMBER	PROJECT NAME	LOCATION
0074	Rush Canyon Spring	T.31N., R.17E., Sec. 21, SWNW
0115	Wild Horse Res.	T.30N., R.17E., Sec. 22, SENE
0222	Rattlesnake Spring	T.33N., R.18E., Sec. 12, SENW
0343	South Washoe Res.	T.34N., R.19E., Sec. 5, SWSW
0404	Rush Creek Res. #3	T.31N., R.17E., Sec. 23, NWNE
0620	Antelope Spring	T.30N., R.16E., Sec. 25, NWNE
0630	Jenkins Spring	T.30N., R.17E., Sec. 30, NENW
0802	Horse Spring	T.34N., R.19E., Sec. 34, SESW
0872	South Fork Reservoir	T.29N., R.17E., Sec. 34, SWSW
0873	East Fork Reservoir	T.29N., R.17E., Sec. 25, SESW
0874	Rush Creek Reservoir	T.31N., R.17E., Sec. 33, NENW
1084	Sheep Trail Res. #1	T.30N., R.17E., Sec. 2, SWSW
1085	Sheep Trail Res. #2	T.30N., R.17E., Sec. 11, NWNW
1093	Three Spring Draw Res.	T.31N., R.16E., Sec. 35, NENE
1150	Rocky Trail Seep Res.	T.30N., R.18E., Sec. 22, NWNE
1154	Larkspur Reservoir	T.29N., R.18E., Sec. 14, SWNW
1160	Buffalo Well	T.32N., R.20E., Sec. 18, NWSE
1161	Salt Works Well	T.31N., R.19E., Sec. 27, SENE
1162	Smoke Creek Well	T.30N., R.19E., Sec. 16, SWSW
1169	Qx Road Reservoir	T.39N., R.16E., Sec. 12, SWNW
1257	NYE Reservoir	T.29N., R.17E., Sec. 6, SENW
1258	Withdrawal Reservoir	T.30N., R.16E., Sec. 25, SWSW
1259	NJ Reservoir	T.30N., R.17E., Sec. 31, NENW
4332	Indian Spring	T.33N., R.18E., Sec. 23, SWSW
4605	Dry Valley Sink Pit	T.29N., R.19E., Sec. 31, NENE
4710	Red Rock Spring #2	T.30N., R.18E., Sec. 15, NWNE
5186	Twin Spring	T.33N., R.20E., Sec. 9, NWNW



12. Special Conditions

Percent of Maintenance Responsibilities based on grazing preference

Espil Sheep Co. 95%  
Laver Ranch 5%

Listed structures are in fair to good condition.

COOPERATOR(S)

THE UNITED STATES OF AMERICA

Brent Espil 9-6-84  
(Signature) (Date)  
Espil Sheep Company

State of California

Ron J. Laver 9-7-84  
(Signature) (Date)  
Laver Ranch

District Susanville

\_\_\_\_\_  
(Signature) (Date)

By Mark T. Morse  
(Signature)  
Mark T. Morse

\_\_\_\_\_  
(Signature) (Date)

Eagle Lake Area Manager  
(Title)

\_\_\_\_\_  
(Signature) (Date)

9-7-84  
(Date)

BLM Manual 6330—Management of BLM Wilderness Study Areas

Form 1221-2

(June 1969)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

Release  
6-134

Date  
7/13/2012

Subject

6330 – Management of Wilderness Study Areas (Public)

1. Explanation of Material Transmitted: This release transmits the revised manual for the BLM's Management of Wilderness Study Areas. This manual provides the line manager and program staff professionals with general policies for the administration and management of these areas. This manual outlines procedures to ensure the Congressional mandate to manage Wilderness Study Areas "so as not to impair the suitability of such areas for preservation as wilderness" will be met.

This policy replaces the Interim Management Policy for Lands Under Wilderness Review and should be applied wherever

2. Reports Required: None

3. Material Superseded: H-8550-1, Interim Management Policy for Lands Under Wilderness Review

4. Filing Instructions: File as directed below.

REMOVE

All of H-8550-1 (Rel. 8-67)  
(70 pages)

INSERT

6330  
(56 pages)

*/s/ Mike Pool*

Acting Director,  
Bureau of Land Management

## Table of Contents

1.1	Purpose.....	1-1
1.2	Objectives. ....	1-2
1.3	Authority.....	1-2
1.4	Responsibility. ....	1-2
1.5	References.....	1-3
1.6	Policy. ....	1-4
A.	Congressional Direction.....	1-4
1.	Direction in FLPMA .....	1-4
2.	Original and subsequent reviews .....	1-4
3.	Differences in the management of wilderness and the management of WSAs .....	1-6
C.	General Policy .....	1-6
1.	Managing to prevent impairment .....	1-6
2.	Enforcement.....	1-8
3.	Restoration .....	1-8
4.	Boundaries of WSAs .....	1-8
5.	New discretionary uses.....	1-9
6.	Maintain improved conditions .....	1-9
C.	The Non-Impairment Standard.....	1-10
1.	Exceptions to non-impairment .....	1-11
D.	Policies for Specific Activities.....	1-13
1.	Cultural and paleontological resources .....	1-13
2.	Fire.....	1-13
3.	Grazing management .....	1-16
4.	Lands actions: disposals, use authorizations, rights-of-way, access, and withdrawals .....	1-19
5.	Recreation .....	1-26
6.	Soil, water, air .....	1-31
7.	Vegetation .....	1-33
8.	Visual resources management.....	1-35
9.	Wild horse and burro management.....	1-36
10.	Wildlife .....	1-37
E.	Evaluation of Proposed Actions. ....	1-43

BLM Manual 6330—Management of BLM Wilderness Study Areas

1.	<b>Uses or facilities subject to the WSA Management Manual</b> .....	1-43
2.	<b>Review requirements</b> .....	1-43
3.	<b>Procedures for evaluation of proposed actions subject to the WSA Management Manual</b> .....	1-44
1.7.	File and Records Maintenance .....	1-49
1.8.	Data Standards .....	1-49
	Glossary of Terms .....	Glossary-1

## 1.1 Purpose.

The purpose of this manual is to continue to provide policy on the non-impairment standard to Bureau of Land Management (BLM) personnel for use when managing Wilderness Study Areas (WSAs), which are part of the BLM's National Landscape Conservation System. Specifically, this policy applies to: (1) WSAs identified by the wilderness review required by Section 603 of the Federal Land Policy and Management Act (FLPMA) and currently under review by Congress (this includes "Instant Study Areas"), sometimes referred to as "603 WSAs"; (2) legislative WSAs (WSAs established by Congress); and (3) WSAs identified during the land use planning process under the authority of Section 202 of FLPMA, sometimes referred to as "202 WSAs." This includes those 202 WSAs that were identified after Wilderness Study Reports were submitted to Congress.<sup>1</sup> This policy does not apply to areas designated by Congress as Wilderness or to other lands that may have wilderness characteristics. Nor does this policy apply to Alaska outside of the Central Arctic Management Area WSA designated under the authority of Sections 1001 and 1004 of the Alaska National Interest Lands Conservation Act (ANILCA) and which is managed pursuant to all relevant sections of ANILCA.

This policy is intended to guide BLM personnel in the specific decisions that arise every day in the management of these areas. First issued in 1979 and most recently revised in 1995, previous iterations of this policy were referred to as the interim management policy (IMP). The term "interim" was used because the policy was expected to be in effect only for a limited period of time and focused on the short-term stewardship of WSAs. The BLM will continue to manage WSAs until Congress acts, and therefore the manual addresses the longer term stewardship of WSAs. The Wilderness Study Area Management Manual should be applied in all cases where the IMP is currently applied.

The policy found in this manual applies only to the management of WSAs. With respect to 603 WSAs, the policy applies during the time an area is under wilderness review, which ends when Congress acts on the WSA by either designating the area as wilderness or releasing it for other purposes. With respect to certain 202 WSAs (those not submitted to Congress in the Wilderness Study Reports), the policy applies until an area identified as a 202 WSA is changed through a land use planning process (Described more fully in Section 1.6.A, below).

Depending on how Congress acts on a WSA, different laws, regulations, and management policies will apply to the area. For example, WSAs designated by Congress as wilderness will be managed pursuant to the Wilderness Act of 1964 (16 U.S.C. 1131 *et seq.*), the area's designating statute, the BLM's wilderness regulations at 43 CFR 6300, and BLM Manual 6340—Management of Designated Wilderness Areas. WSAs that are released by

---

<sup>1</sup> Prior to a Settlement Agreement in 2003 with the State of Utah and the Utah School and Institutional Trust Lands Administration, the BLM designated WSAs pursuant to Sections 202 and 603 of FLPMA.

Congress from wilderness study will no longer be subject to this manual and will be managed under general BLM management authorities found in FLPMA (43 U.S.C. 1701 *et seq.*) and associated regulations and policies, including applicable land-use plans.

This manual is not the only policy that governs the management of WSAs. The BLM operates under many other laws and policies that may affect whether and how an activity may take place on WSAs.

## **1.2 Objectives.**

The BLM's objectives for implementing this policy are to:

- A. Consistent with relevant law, manage and protect WSAs to preserve wilderness characteristics so as not to impair the suitability of such areas for designation by Congress as wilderness.
- B. Provide policy guidance for prolonged stewardship of WSAs until Congress makes a final determination on the management of WSAs.

## **1.3 Authority.**

- A. Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*) (FLPMA)
- B. National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA)
- C. Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202)

## **1.4 Responsibility.**

- A. Director, Bureau of Land Management, through the Assistant Director, National Landscape Conservation System and Community Partnerships, shall
  - 1. Establish policy and guidance to support the management and protection of WSAs so as not to impair the suitability of such areas for preservation as wilderness.
  - 2. Provide budget and planning guidance related to the administration of WSAs.
  - 3. Coordinate WSA policy and budget with other BLM programs at the national level.
  - 4. Develop and maintain relationships with other Federal agencies, tribal governments, state and local governments, national-level organizations and non-profit groups, and the general public regarding the stewardship of WSAs.
  - 5. Review land use plans, revisions, and amendments affecting WSAs and ensure that these plans, revisions, and amendments conform to FLPMA, NEPA, relevant designating legislation and other applicable laws, and BLM policies and guidance.

B. State Directors shall:

1. Implement policy guidance and direction reflecting national goals for WSAs.
2. Implement budget and planning guidance related to the administration of WSAs.
3. Coordinate WSA policy and budget with other BLM programs at the state level.
4. Develop and maintain relationships with other Federal agencies, tribal governments, state and local governments, friends' groups and other non-profit organizations, and the general public regarding the stewardship of WSAs.
5. Approve land use plans, revisions, and amendments affecting WSAs and ensure that these plans, revisions, and amendments conform to FLPMA, NEPA, relevant designating legislation and other applicable laws, and BLM policies and guidance.

C. District and Field Managers with WSAs within their purview shall:

1. Consistent with relevant law, manage and protect WSAs so as not to impair the suitability of such areas for preservation as wilderness.
2. Ensure that all decisions and activities within WSAs conform to FLPMA, NEPA, designating legislation and other applicable laws, and BLM policies and guidance.
3. Develop and maintain relationships with other Federal agencies, tribal governments, state and local governments, friends' groups and other non-profit organizations, and the general public regarding the stewardship of WSAs.

## 1.5 References.

- A. Alaska and Oregon and California Grant Lands Act of 1937 (43 U.S.C. 1181d.)
- B. Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa et seq.)
- C. Clean Air Act (2 U.S.C. §7401 et seq.)
- D. Federal Onshore Oil and Gas Leasing Reform Act of 1987 (30 U.S.C. § 181)
- E. National Historic Preservation Act of 1966 (16 U.S.C. 470)
- F. Wilderness Act of 1964, as amended (16 U.S.C. 1131 *et seq.*)
- G. Wild Free-Roaming Horse and Burro Act of 1971 (16 U.S.C. 1331 *et seq.*)
- H. Title 43 Code of Federal Regulations, Part 46—Implementation of the National Environmental Policy Act of 1969
- I. Title 43 Code of Federal Regulations, Part 2200—Exchanges: General Procedures
- J. Title 43 Code of Federal Regulations, Part 2800—Rights-of-Way under the Federal Land Policy and Management Act



- K. Title 43 Code of Federal Regulations, Part 2920—Leases, Permits and Easements
- L. Title 43 Code of Federal Regulations, Part 3400—Coal Management
- M. Title 43 Code of Federal Regulations, Part 3500—Leasing of Solid Mineral Other Than Coal and Oil Shale
- N. Title 43 Code of Federal Regulations, Part 3800—Mining Claims Under the General Mining Laws
- O. BLM Manual 1626—Travel and Transportation Manual
- P. BLM Manual 6340—Management of Designated Wilderness Areas
- Q. BLM Manual 6830 – Animal Damage Control
- R. BLM Manual 8270—Managing Paleontological Resources
- S. BLM Manual 8100 series—Managing Cultural Resources
- T. BLM Handbook 1790-1—National Environmental Policy Act
- U. BLM Handbook H-4180-1—Rangeland Health Standards
- V. BLM Handbook H-8120-1—Guidelines for Conducting Tribal Consultation
- W. Handbook-8270-1—General Procedural Guidance For Paleontological Resource Management
- X. Guidance for Implementation of Federal Wildland Fire Management Policy

## **1.6 Policy.**

### **A. Congressional Direction**

#### **1. Direction in FLPMA**

Wilderness preservation is part of the BLM's multiple-use mandate, and the wilderness resource is recognized as one of the array of resource values considered in the land-use planning process. Section 603(c) of FLPMA provides direction to the BLM on the management of WSAs and states that with some exceptions (explained more fully below in Section 1.6.C.2): “During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness.” This language is referred to as the "non-impairment" mandate. The BLM developed a non-impairment standard (see 1.6.C) in this manual) to meet this mandate.

#### **2. Original and subsequent reviews**

The original wilderness review process outlined under Section 603 of FLPMA had



three phases: inventory, study, and reporting to Congress. Public involvement was encouraged in all phases of the process, with opportunity provided for comment, participation, and review. Section 603 of FLPMA directed the BLM to carry out a wilderness review of the public lands. The wilderness inventory was conducted from 1978 to 1980, and excluded Alaska and Oregon and California Grant Lands Act of 1937 (O&C Act) lands managed primarily for timber production. The original inventory focused on roadless areas of public lands of 5,000 acres or more and on roadless islands, but also included areas of less than 5,000 acres that had wilderness characteristics in association with contiguous roadless lands managed by another agency, and areas of less than 5,000 acres that had wilderness characteristics and could practicably be managed to keep those characteristics in an unimpaired condition. Additional WSAs were designated through the BLM land use planning process under the authority of Sections 201, 202, and 302 of FLPMA after the reports to Congress were completed in 1993.

The inventory phase identified areas that were found to have the characteristics of wilderness enumerated by Congress in Section 2 (c) of the Wilderness Act of 1964:

"A wilderness...(1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value."

When these characteristics were found within a defined boundary, the presence of the wilderness resource was documented and the area was classified as a WSA.

During the study phase, all values, resources, and uses occurring within each WSA were analyzed, pursuant to the National Environmental Policy Act (NEPA), through legislative environmental impact statements. When the study was completed, recommendations as to the suitability or unsuitability of each WSA for designation as wilderness were submitted to the President through the Secretary of the Interior, and then from the President to Congress. FLPMA required that the reports on the Section 603 WSAs be sent to the President by October 21, 1991, and to Congress by October 21, 1993. Section 202 WSAs designated through the BLM's land use planning process prior to the 1993 report were forwarded to Congress. Section 202 WSAs designated subsequent to the 1993 report were not forwarded to Congress. For those Section 202 WSAs created after the 1993 Report to Congress, the BLM may, through land use planning, adjust the status of and management standards

associated with those post-1993 Section 202 WSAs.

Wherever a baseline date is pertinent to WSA management, October 1976 is used for all Section 603 and Section 202 WSAs that were reported to Congress by October 21, 1993, while the date of designation is used for all 202 WSAs not identified in the reports to Congress, as well as legislative WSAs.

### **3. Differences in the management of wilderness and the management of WSAs**

Designated wilderness is managed pursuant to the Wilderness Act, which states that these areas shall be administered to “preserve wilderness character.” For WSAs, FLPMA mandates that the BLM “not impair the suitability” of areas we have identified as “having wilderness characteristics.” There is a difference between these two mandates. As a result of this difference, the varying legal mandates of FLPMA and the Wilderness Act, and the history of the BLM’s management of WSAs, this manual differs in both content and form from BLM Manual 6340, Management of Designated Wilderness Areas.

#### **B. General Policy**

The BLM’s management policy is, except in the cases stated below (see section 1.6.C.2), to continue resource uses on lands designated as WSAs in a manner that maintains the area’s suitability for preservation as wilderness. The BLM’s policy will protect the wilderness characteristics of all WSAs in the same or better condition than they were on October 21, 1976 (or for Section 202 WSAs not reported to Congress, the date the WSA was designated), until Congress determines whether or not they should be designated as wilderness. When managers are in doubt as to a course of action in a WSA, this should serve as a guiding principle.

#### **1. Managing to prevent impairment**

- a. Preventing impairing activities through public information. It is important to ensure that the public, commercial entities, other governmental entities, and BLM staff are aware of the location of WSAs and their management requirements. To this end, the BLM will post signs at key WSA access points, provide maps and information about WSAs on BLM websites, and ensure that internal and external maps include WSA boundaries. When possible, the BLM should also present information about WSAs to interested or affected organizations.
- b. Monitoring. All WSAs are to be monitored to ensure continued suitability for designation as wilderness at a frequency that will ensure compliance with the non-impairment standard described in section 1.6.C of this manual. Unless an alternative schedule is approved (see below), the minimum frequency of monitoring is at least once per month during the months the area is accessible

by the public, or more frequently where uses and activities warrant greater attention or where resource conflicts are present. Large WSAs may require more than one monitoring event per month in order to adequately monitor all parts of the WSA. Field Offices may utilize staff, volunteer assistance, Adopt-A-WSA efforts, ranger patrol, or cooperative agreements with local law enforcement agencies to ensure that WSAs are being monitored sufficiently to detect impairing activities. Aircraft may also be utilized to assist in monitoring activities.

Alternative monitoring schedules may be approved by the State Director for any WSA that could be effectively monitored less frequently than once per month. Alternative surveillance schedules must be tailored for the special needs of the WSA based on consideration of factors including but not limited to: inaccessibility, history of unauthorized activities and violations, and weather/seasons of use. At a minimum, the alternative monitoring schedule must specify the frequency of ground or air monitoring, the resources required to sustain the schedule, and a justification for replacing monthly monitoring with the alternative schedule. The approved alternative monitoring schedule must be in the WSA's permanent documentation file.

When an action is authorized within a WSA, regular monitoring by qualified BLM staff for project compliance must be included in planning and costs associated with the action.

- c. Documentation. Field Offices must maintain a permanent file for each WSA. Each file must include photo documentation of primitive routes (formerly referred to as "ways"), range developments, mining activities, property boundaries, and other similar sites where, over time, activities may impact the naturalness of the WSA. The photo points chosen and frequency of documentation should be sufficient to identify impairing or potentially impairing conditions. Some developments may already be periodically documented by other BLM programs. In such cases, coordination with these programs is essential to prevent duplication of effort.

Permanent files must also include a record of each monitoring visit, including the date of the visit and a narrative, and, where applicable, geospatial data. All monitoring visits must be documented; it is just as important to record a monitoring visit where no violations are detected as it is to record the observance of impairing activities. Field Offices are encouraged to utilize electronic databases to improve the efficiency of retrieving information and assessing trends from which to direct future monitoring and management actions.

## 2. Enforcement

As with all public lands, any violation of the regulations applicable to the use of WSAs, or public land management generally are subject to the enforcement authority of FLPMA (43 USC 1733(a)). Possible violations should be referred to the law enforcement ranger or special agent.

## 3. Restoration

- a. Unauthorized impacts. The BLM's goal is to immediately restore the impacts caused by any unauthorized action to at least the condition that existed prior to the impact or that which existed in October 1976 (or on the designation date for Section 202 WSAs not reported to Congress) whichever is better. See also General Policy 7, Maintain Improved Conditions, in this sub-section. If the impacts are so severe as to make it impossible or unreasonably costly to restore, or if restoration efforts would result in greater loss of wilderness values than natural restoration, an alternative restoration strategy should be applied that achieves the maximum possible level of restoration.

The BLM will attempt to collect costs of restoration from any and all persons responsible for causing impacts. If the person(s) responsible for the unauthorized impacts is not known, the BLM will undertake restoration and initiate action to locate the person(s) responsible and collect the restoration costs from these persons. If the person(s) responsible for the unauthorized impacts is known but unwilling to perform the needed restoration, the BLM will undertake restoration and initiate action to collect the costs from the responsible person(s).

- b. Other impacts. The BLM may remove structures and other facilities that impair wilderness characteristics, do not meet any of the exceptions to non-impairment, or are not permissible uses as detailed in section 1.6.D of this policy. The restoration of ecological processes is covered in sections 1.6.D.2 and D.8 of this manual.

## 4. Boundaries of WSAs

- a. Boundary adjustments. WSAs established under the authority of Section 603 of FLPMA are identified in the 1993 reports to Congress (as depicted on supporting maps), and can only be altered by Congress. Boundaries of legislative WSAs are established by the enabling legislation and cannot be adjusted unless specified in the legislation. Boundaries of Section 202 WSAs that were submitted to Congress cannot be altered through land use planning. Boundaries of Section 202 WSAs established through a Resource Management Plan (RMP) and not included in the Wilderness Study Reports submitted to Congress in 1993, may be adjusted through a subsequent RMP process, in

accordance with standard BLM management of land boundaries policies.

Impacts resulting from unauthorized activities may not be cited to adjust the boundaries of a WSA.

- b. Boundary setbacks. Except where Congress has specified, or in the case of a Section 202 WSA not reported to Congress where the applicable RMP defines setbacks, there are no setbacks to WSA boundaries. Where a WSA is bounded by a road, the WSA boundary is the edge of disturbance of that road that existed at the passage of FLPMA (or, for Section 202 WSAs, at the time the WSA was designated), or if one exists, the edge of any ROW. (Note: in order for the maps in the 1993 reports to Congress to be readable, the boundary lines on the map may not precisely follow the intended boundary feature, so as not to cover up the feature it is following.)
- c. Inclusiveness. The WSA includes all surface and subsurface features (such as caves) under the jurisdiction of the BLM.
- d. Acquisition of land by exchange within WSAs. Under the authority of 43 CFR 2200.0-6(f) and (g), upon acceptance of title to non-Federal land within the boundary of a WSA that has been exchanged with the BLM, that land is automatically added to the WSA and from that time on is subject to the WSA Management Manual. This provision applies only to inholdings, not edgeholdings.

#### 5. **New discretionary uses**

It is the BLM's policy not to establish new discretionary uses in WSAs that would impair the suitability of such areas for wilderness designation (see section 1.6.C). For example, identifying a mountain biking route on an existing primitive route may not create new surface disturbance or permanent facilities, but the use of the route may preclude potential designation the area as wilderness and would therefore violate the non-impairment standard. In some cases a local club or business, without consultation with the BLM, may have promoted WSA for a use that may impair the existing wilderness characteristics so as to constrain Congress' prerogative to designate the area as wilderness. In such cases, the BLM should take appropriate action so as not to allow the discretionary activity to rise to a level that would create an expectation of continued use, thereby impairing the suitability of the WSA for designation as wilderness.

#### 6. **Maintain improved conditions**

FLPMA requires the BLM to manage all WSAs "so as not to impair the suitability of such areas for preservation as wilderness." If wilderness characteristics have improved since 1976 for a particular WSA (or, for Section 202 WSAs not reported

to Congress, have improved since the date the WSA was designated), it is the policy of the BLM to not allow actions that would cause the regression of the WSA to its 1976 (or the designation date for Section 202 WSAs not reported to Congress) condition. For example, if primitive routes have been closed and rehabilitated, the BLM will not permit them to be re-established. The benchmark for the non-impairment standard is the condition in 1976 or current condition of the WSA, whichever is the better condition of wilderness characteristics.

### C. The Non-Impairment Standard

#### 1. **Defining the non-impairment standard.**

The BLM will review all proposals for uses and/or facilities within WSAs to ascertain whether the proposal would impair the suitability of the WSA for preservation as wilderness. Unless excepted under 1.6.C.2, all uses and/or facilities must meet the non-impairment standard (i.e. must be both temporary and not create surface disturbance), as described in the following detailed criteria:

- a. The use or facility is temporary. The use or facility is needed for a defined time period to respond to a temporary need, and would be terminated and removed prior to or upon wilderness designation. A chronic, repeated short-term use does not meet this definition of “temporary.” Uses, activities, or facilities that create a demand for uses that would be incompatible with wilderness management also do not meet the definition of temporary.
- b. The use or facility will not create new surface disturbance. There is no new disruption of the rock, soil, or vegetation, including vegetative trampling, that would necessitate reclamation, rehabilitation, or restoration in order for the site to appear and function as it did prior to the disturbance. Uses or facilities that would require only passive natural restoration may still be considered surface disturbing. For example, cross-country vehicle use off boundary roads or existing primitive routes is surface disturbing because the tracks created by the vehicle leave depressions or ruts, compact the soils, and trample or compress vegetation. Landing fixed wing aircraft is considered surface disturbing unless it is on an existing airstrip or primitive route open to other motorized use (i.e. identified and documented to exist prior to passage of FLPMA). Certain activities allowed in wilderness areas, such as recreational hiking, use of pack stock, or domestic livestock grazing, are recognized as acceptable within a WSA, although, in the literal sense, they cause surface disturbance.

Management to the non-impairment standard does not mean that the lands will be managed as though they had already been designated as wilderness. Some uses that could not take place in a designated wilderness area may be permitted under the WSA Management Manual. For example, in many cases it is permissible use



motorized vehicles on some primitive routes in WSAs, while such vehicles are prohibited in designated wilderness under the Wilderness Act.

## 2. **Exceptions to non-impairment**

There are seven classes of allowable exceptions to the non-impairment standard defined in section 1.6.C.1. When a use and/or facility that does not meet the non-impairment standard meets one of these exceptions, the BLM will endeavor to allow only the least impairing activities that facilitate the use and/or facility in order to avoid unnecessary impacts to wilderness characteristics. If an impairing proposed project—even one that meets an exception—can be implemented outside of a WSA and accomplish the objectives identified in the purpose and need statement prepared under NEPA, the BLM should endeavor to ensure that the project is implemented outside the WSA. Consult section 1.6.D for activity-specific guidance on the application of all exceptions.

- a. Emergencies. In emergencies, any action necessary to prevent loss of life or property may be taken, even if the action will impair wilderness suitability. Emergencies include, but may not be limited to, fire, flood, pursuit of criminal suspects, search and rescue operations in cases of lost or injured persons, and recovery of deceased persons. To the extent possible, emergency actions will be conducted in the manner that least impairs wilderness suitability while resolving the emergency, and the resulting impacts will be restored as soon as possible after the situation has been resolved. See Section 2.3 of the BLM NEPA Handbook, H-1790-1, regarding NEPA compliance obligations for emergency actions.
- b. Public safety. In addition to emergencies, the BLM may take actions that would otherwise violate the non-impairment standard to protect public safety. These actions are limited to remediation of human-caused hazards in the WSA (e.g., mine adits). In addition to correcting the public safety issue, the impacts of the hazard should be mitigated and the area restored, to the extent possible, as part of the authorized action. Altering naturally occurring hazards is not permissible. Since some human-caused hazards may be historic, compliance with the National Historic Preservation Act might be necessary (see section 1.6.D.1 of this manual). See also Section 2.3 and Appendix 5 of the BLM NEPA Handbook, H-1790-1, regarding NEPA compliance obligations for emergencies and actions relating to public health or safety.
- c. Restoration of impacts from violations and emergencies. Human-caused impacts from violations and emergencies will be restored as soon as possible after they occur. All restoration should be to a level as close as possible to, or better than, that which existed at the site prior to the disturbance.

- d. Valid existing rights. Any valid existing right (VER) existing on the date of approval of FLPMA (October 21, 1976)—or prior to the designation date for Section 202 WSAs not reported to Congress—will be recognized. Examples of VERs include: a valid mining claim, a mineral lease, or a right-of-way authorization (also see 1.6 D.4., Lands Actions, and D.5., Minerals). A validity exam must be conducted for mineral activities to verify valid existing rights. The scope of a VER is not unlimited; it depends upon any conditions, stipulations, or limitations stated in the law or approval document that created the right (e.g. if a lease contains a stipulation prohibiting surface occupancy, then the VER for that lease does not include the right to occupy the surface of the leasehold). If the holder of a VER transfers the claim, lease, or right-of-way authorization to another person, the same VER will be recognized for the new holder. However, a VER is tied to a particular location and cannot be transferred to a different claim, lease, or right-of-way location. The BLM should work with the holder of the VER to ensure that the non-impairment criteria are satisfied to the extent possible without unreasonably interfering with the exercise of the right. The BLM should evaluate the exact language of the instrument that conveyed or created the VER. If it is determined that the right conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to the extent allowable to prevent unnecessary impacts to wilderness characteristics.
- e. Grandfathered uses. Grazing, mining, and mineral leasing uses and facilities that were allowed on the date of approval of FLPMA (October 21, 1976)—or the designation date for Section 202 WSAs not reported to Congress—are grandfathered, i.e. allowed as a preexisting use. As provided for in FLPMA Section 603(c), these uses and facilities may continue in the same manner and degree as on that date, even if this impairs wilderness suitability. As described in FLPMA, grandfathered uses only include grazing, mining, and mineral leases, and do not include other uses such as recreational activities.
- Grandfathered uses may be acquired by a new operator, but cannot be transferred to a different location. The benchmark for the "manner and degree" of an existing use is the physical and visual impact that use was having on the area on October 21, 1976 (or the designation date for Section 202 WSAs not reported to Congress), because it is that impact that would have affected the wilderness review. Activities grandfathered under the 1872 mining law allow for logical pace and progression of mining operations (see section 1.6.D.5.g of this manual).
- f. Protect or enhance wilderness characteristics or values. As described in section 1.6.A.2 of this manual, Section 2(c) of the Wilderness Act of 1964 outlines the



characteristics required of every wilderness. Actions that clearly benefit a WSA by protecting or enhancing these characteristics are allowable even if they are impairing, though they must still be carried out in the manner that is least disturbing to the site.

- g. Other legal requirements. Activities required to meet obligations imposed by other laws are allowed even though they may violate the non-impairment standard. Such activities should, however, be carried out in the least impairing manner practicable. Many of these requirements are cited in this manual's section 1.6.D, Policies for Specific Activities, but other obligations may be created by Congress.

#### D. Policies for Specific Activities

This section includes policies to help answer common questions and provide examples related to specific activities that frequently take place in WSAs. Before using these policies, the guidance found in sections 1.6.A, 1.6.B, and 1.6.C must first be followed. Analysis of proposals and alternatives will be completed through the process in section 1.6.E. In all cases, management decisions should be guided by the principle that uses and/or facilities that would impair the suitability of all or part of a WSA for preservation as wilderness may not be authorized, unless they fit under an exception described in 1.6 C. 2. of this manual.

##### 1. **Cultural and paleontological resources**

Cultural and paleontological resources, and the information they convey, are supplemental values and an important part of the wilderness characteristics of WSAs where they are found. Inventory, stabilization, rehabilitation, and research involving cultural or paleontological resources may be permitted if the activities satisfy the non-impairment criteria. Activities that clearly benefit the wilderness characteristics of a WSA by stabilizing, recovering, or recording important scientific data may be allowed and may require restoration.

##### 2. **Fire**

- a. General. This section of the manual cannot be used without incorporating standard agency fire management policies and techniques found in other BLM documents, such as the Guidance for Implementation of Federal Wildland Fire Management Policy, but not repeated here.
  - i. *Managing fire.* The overall goal of managing fire in WSAs is to allow the frequency and intensity of the natural fire regime to play its inherent role in the ecosystem. This means both allowing fire where ecosystems evolved in the presence of fire, and preventing unnatural spread of fire in ecosystems that evolved without broad-scale fires.

- ii. *Biological constraints.* The overall goal may be affected by past human actions. These may include fire suppression leading to fuel buildup creating the possibility of unnaturally severe fires, or the invasion of non-native annual grasses leading to the unnatural spread of fire in ecosystems that evolved without broad-scale fires.
  - iii. *Management constraints.* The overall goal may be affected by budgets, national fire management demands, suppression of fire on adjacent land before it moves into the WSA, or undesired consequences of wildfire moving out of the WSA (such as wildfires that may pose a danger to human life and/or property).
  - iv. *Terminology.* Changes in fire management terminology should not distract managers from applying the principles listed here. This manual will not be amended when fire terminology changes. The principles described here for fire management are more important than the exact words or acronyms being used.
- b. Wildfires. These are unplanned ignitions or prescribed fires that subsequently are declared wildfires because they exceed the prescription parameters.
- i. *Management response.* The management response to a wildfire within a WSA may vary along a continuum from monitoring to suppression according to objectives outlined in the applicable Resource Management Plan (RMP) or Fire Management Plan (FMP) for the affected area. The response to a fire can change over the course of the event due to variations in weather, topography, fuels, and resources available. Managers will use a decision support process to guide and document wildfire management decisions. The process will provide situational assessment, analyze hazards and risk, define implementation actions, and document decisions and rationale for those decisions.
  - ii. *Emergencies.* Wildfires can be considered emergencies and, as such, management response to a wildfire falls under one of the exceptions to the non-impairment criteria. Nevertheless, the non-impairment criteria will be met to the extent practical. This means using "minimum impact suppression tactics" or "light hand on the land" suppression techniques wherever possible, while providing for the safety of firefighters and the public and meeting fire management objectives.
  - iii. *Suppression personnel.* Fire managers should inform suppression personnel during dispatch that the fire is in a WSA and that special constraints may apply to prevent impairment of wilderness characteristics. A fire resource

advisor with experience in WSA management should be assigned to all fires in WSAs to assist in the protection of wilderness characteristics.

- iv. *Stabilization, rehabilitation, and restoration.* Emergency stabilization, rehabilitation, and restoration of the wilderness resource created by impacts from wildfires must satisfy the non-impairment criteria unless an exception applies. These activities will be more intensive:

- where the effects of the fire were greater than would occur in an area where fire already plays its natural role on the landscape
- in ecosystems that evolved without broad-scale fire
- for fires whose effects (even within the natural range) pose an unacceptable risk to life, property, or resources outside the WSA

Where wildfires have been managed for resource benefits, most stabilization, rehabilitation, and restoration activities are expected to be limited to the impacts caused by direct management actions or to prevent the spread of exotic vegetation. These activities will not be used to establish, or re-establish, conditions not provided for in sections 1.6.D.8 or 1.6.D.11 of this manual.

- c. Prescribed fires. These are fires—otherwise known as "planned ignitions"—that are deliberately started by the BLM. The goal of prescribed fire is to make conditions possible for natural fire to return to the WSA. In some instances, the goal may be to mimic a natural fire regime where reliance on wildfire is not feasible.
- i. Use of prescribed fires in WSAs is limited to instances where this use meets the non-impairment standard or one of the exceptions, such as to clearly protect or enhance the land's wilderness characteristics. The BLM may utilize prescribed fire in WSAs where the natural role of fire cannot be returned solely by reliance on wildfire or where relying on wildfires might create unacceptable risks to life, property, or natural resources outside the WSA.
- ii. Prescribed fire planning for WSAs must take into account protection of cultural resources.
- d. Fuel treatment. This includes thinning or removing vegetation, either mechanically or chemically, in advance of, or as a replacement for, wildland fire (either wildfire or prescribed fire). The goal of fuel treatment is to make conditions possible for natural wildfire to return to the WSA.



- i. *In advance of prescribed fire.* In some instances, fuel treatment may be necessary to protect site-specific resources in advance of a prescribed fire to prevent the loss of those resources. This necessity must be clearly demonstrated in the prescribed fire plan.
- ii. *Replacement for wildland fire.* Pre-fire treatment used to replace either type of wildland fire (sections b and c, above) is only allowed in WSAs where it meets the non-impairment standard or one of the exceptions. Due to their controversial nature and the complexities of analyzing the effects of these treatments on the non-impairment criteria, more extensive NEPA analysis (e.g. an EIS) including public involvement may be required when fuel treatments are proposed for use as a replacement for wildland fire. The policy in 1.6.D.8.b.iii must be satisfied. Fuel treatments *may* be permitted under the restoration or public safety exceptions to the non-impairment standard when:
  - A. prescribed fire in the WSA will inevitably cause unacceptable risks to life, property, or natural resources outside the WSA; or
  - B. natural successional processes have been disrupted by past human activity to the extent that intervention is necessary in order to return the ecosystem to a condition where natural process can function; or
  - C. non-native species have altered the fire regime so that wildland fires pose an undue risk to the native ecosystem.

Conclusive documentation of A, B, or C, above, must be included in the NEPA analysis of the proposed action. When fuel treatment is allowed, the BLM must strive to achieve the desired conditions through the least impacting method. Fuel treatments should not be authorized in a WSA if the same objectives can be accomplished by the BLM through fuel treatments on public lands outside of the WSA.

- iii. *Low-intensity Prescribed Fire.* Repeated low-intensity prescribed fires are preferable in most circumstances where pre-fire treatment is contemplated, even if this increases the time and cost of treatment.

### 3. Grazing management

- a. **Livestock management developments.**
  - i. *Pre-FLPMA livestock developments.* Livestock management developments existing or under construction on October 21, 1976 (or the designation date for Section 202 WSAs not reported to Congress), may continue to be used and maintained in the same manner and to the same degree as such use was being conducted on that date. In other words, they can have the same, but

not more, physical or visual impact as they did at that time.

- ii. *New livestock developments.* New livestock management developments may only be approved if they meet the non-impairment standard or one of the exceptions, such as protecting or enhancing wilderness characteristics. In determining whether a development meets the protecting or enhancing wilderness characteristics exception, the BLM will determine if the structure's benefits to the natural functioning of the ecosystem outweigh the increased presence of human developments and any loss of naturalness or outstanding recreational opportunities caused by the new development. Cumulative impacts must be assessed consistent with NEPA and implementing regulations, policy, and guidance. In addition, the BLM should consider whether or not the development will be substantially unnoticeable. The project must not require new motorized access since this would constitute surface disturbance and so would not meet the non-impairment standard. In order to allow new grazing development under the grandfathered use exception, there can be no increase in the AUMs existing prior to the new development as the result of any new permanent livestock management development.

b. Livestock management activities.

- i. *Salting.* For both grandfathered and non-grandfathered grazing operations, salting practices may occur. New salting locations may be established to improve the distribution of grazing use as long as the non-impairment criteria are met. (For example, no vegetation disturbance requiring restoration would occur at the new site).
- ii. *Supplemental feeding.* Supplemental feeding (e.g., minerals, vitamins, protein blocks or cubes, and high quality alfalfa) may be continued if it was allowed under the authorization that was in effect in 1976 (or the designation date for Section 202 WSAs not reported to Congress). No other supplemental feeding inside the WSA is allowed.
- iii. *Emergency feeding.* Temporary emergency feeding may be authorized by the BLM when forage becomes unavailable as a result of unforeseen natural events such as fire, flood, or heavy snowfall. Emergency feeding may only be allowed for short periods of time while the emergency exists and until the livestock can be removed.
- iv. *Vegetation treatments.* If vegetative manipulation was allowed under the authorization that was in effect in 1976 (or the designation date for Section 202 WSAs not reported to Congress), the vegetative treatment may be

maintained by reapplying the same or similar treatment as long as it does not create greater impacts and achieves the same objective. See D.8.b.iii below.

- v. *Motor vehicle use.* Except as permitted by sub-sections 3.a and 3.b.iii, above, or as specifically authorized by the BLM, the use of motor vehicles or mechanical transport is restricted to those primitive routes in the WSA that are open to the general public.
- c. Changes in grazing practices. As a grandfathered use, grazing management practices (e.g. level of use, season of use etc.) authorized during the 1976 grazing fee year (or prior to the designation date for Section 202 WSAs not reported to Congress), including levels of use, may not be changed solely because the use may impair a WSA's suitability for preservation as wilderness. Section 603(c) of FLPMA, provides for the continuation of grazing on lands under wilderness review, "[p]rovided that in managing the public lands, the BLM shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection." If rangeland within a WSA is failing to achieve Rangeland Health Standards, the significant factors contributing to this failure will be determined through monitoring and a review of existing uses. If existing grazing management practices are found to be a significant factor in the failure to achieve standards, new grazing management practices may be established as needed if they meet the non-impairment standard or one of the exceptions. BLM Handbook H-4180-1 provides the process for ascertaining whether Rangeland Health Standards are being achieved and for determining causal factors when standards are not achieved. New grazing management is not a grandfathered use and in all cases may only be established if it meets the non-impairment standard or one of the exceptions.

The NEPA document that authorizes changes to grazing practices (see section 1.6.E of this manual) must evaluate, at a minimum, the following:

- watershed function
  - ecological processes
  - water quality
  - habitat quality
  - non-impairment of wilderness characteristics
- i. *Grazing increases.* Grazing increases (increases in authorized grazing use) may be allowed if the impacts of such increases will meet the non-impairment standard or one of the exceptions. If the proposal meets the

non-impairment standard or one of the exceptions a temporary non-renewable increase may be authorized. If the studies indicate the increase is causing impairment of the WSA's suitability for preservation as wilderness the increase will be reduced or discontinued.

- ii. *Grazing reductions.* While there will be no reduction in grazing use levels due to impacts to wilderness characteristics, grandfathered grazing use is not necessarily frozen at the October 21, 1976 (or date of designation for a 202 WSA not reported to Congress) level, but may be subject to general BLM grazing management policy. As described above, if the rangeland is failing to achieve standards established by the BLM, the significant factors that contribute to those conditions should be ascertained and temporary or permanent reductions may be implemented as needed.

**4. Lands actions: disposals, use authorizations, rights-of-way, access, and withdrawals**

- a. Disposals. Except as described below, public lands within WSAs may not be disposed of through any means, including public sales, exchanges, and patents under the Recreation and Public Purposes Act. Under either of the following two conditions, lands within WSAs may be subject to disposal:
  - i. Disposals may be permitted under normal BLM procedures for mining patents.
  - ii. Land exchanges involving public and non-Federal lands, can occur when the involved lands are within the same WSA, or when they are in two or more WSAs. These are unique situations, subject to prior approval by the BLM Director. The exchange must benefit wilderness values and/or improve wilderness management. Such exchanges may not result in the elimination of a wilderness characteristic, including supplemental values, of a WSA.
- b. Use authorizations.
  - i. Any permit or lease issued under 43 CFR 2920 must contain a stipulation that if the WSA is designated as a wilderness area, the lease or permit may be terminated.
  - ii. Commercial filming may be permitted under 43 CFR 2920 if it is determined to meet the non-impairment standard or one of the exceptions. Commercial filming permits must stipulate that if the WSA is designated as a wilderness, the permit will be terminated.
- c. Rights-of-way.
  - i. Existing rights-of-way may be renewed if they are still being used for their

## **Appendix B3**

### **CEQA/NEPA Compliance Form**

#### **(California Environmental Quality Act & National Environmental Policy Act)**

Instructions: All applicants, including federal agencies, must complete the CEQA compliance section. Check the box that describes the CEQA status of the proposed project. You must also complete the documentation component and submit any surveys, and/or reports that support the checked CEQA status. NOTE: There is no page limit requirement on this form. You may use the space you need to fully describe the CEQA/NEPA status of this project.

If NEPA is applicable to your project, you must complete the NEPA section in addition to the CEQA section. Check the box that describes the NEPA status of the proposed project. Complete the documentation component and submit any surveys, and/or reports that support the NEPA status.

For both CEQA and NEPA, submittal of permits is only necessary if they contain conditions providing information regarding potential environmental impacts.

#### **CEQA STATUS**

##### **(All applicants must complete this section)**

Check the box that corresponds with the CEQA compliance for your project. The proposed action is either "Not a Project" under CEQA; is Categorically Exempt from CEQA; or requires a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report per CEQA.

---

☐ **"Not a Project" per CEQA**

1. Describe how your project is "Not a Project" per CEQA:

2. If appropriate, provide documentation to support the "Not a Project" per CEQA status.

☒ **Categorical Exemption or Statutory Exemption**

If a project is categorically exempt from CEQA, all applicants, including public agencies that provide a filed Notice of Exemption, are required to provide a clear and comprehensive description of the physical attributes of the project site, including potential and known special-status species and habitat, in order for the SNC to make a determination that the project is exempt. A particular project that ordinarily would fall under a specific category of exemption may require further CEQA review due to individual circumstances, i.e., it is within a sensitive location, has a cumulative impact, has a significant effect on the environment, is within a scenic highway, impacts an historical resource, or is on a hazardous waste site. Potential cultural/archaeological resources must be noted, but do not need to be specifically listed or mapped at the time of application submittal. Backup data informing the exemption decision, such as biological surveys, Cultural Information Center requests, research papers, etc. should accompany the full application. Applicants anticipating the SNC to file an exemption are



encouraged to conduct the appropriate surveys and submit an information request to an office of the California Historical Resources Information System (CHRIS).

1. Describe how your project complies with the requirements for claiming a Categorical or Statutory Exemption per CEQA:

This project will protect and enhance natural and cultural resources. It will occur on federally owned public land. This project falls under exemptions 15301, 15133 and 15333.

2. If your organization is a state or local governmental agency, submit a signed, approved Notice of Exemption (NOE) documenting the use of the Categorical Exemption or Statutory Exemption, along with any permits, surveys, and/or reports that have been completed to support this CEQA status. The Notice of Exemption must bear a date stamp to show that it has been filed with the State Clearinghouse and/or County Clerk, as required by CEQA.

3. If your organization is a nonprofit or federal agency, there is no other California public agency having discretionary authority over your project, and you would like the SNC to prepare a NOE for your project, let us know that and provide any permits, surveys, and/or reports that have been completed to support the CEQA status.

- 
- ☐ **Negative Declaration OR**  
☐ **Mitigated Negative Declaration**

If a project requires a Negative Declaration or Mitigated Negative Declaration, then applicants must work with a qualified public agency, i.e., one that has discretionary authority over project approval or permitting, to complete the CEQA process.

1. Describe how your project complies with the requirements for the use of a Negative Declaration or a Mitigated Negative Declaration per CEQA:

2. Submit the approved Initial Study and Negative Declaration/Mitigated Negative Declaration along with any Mitigation Monitoring or Reporting Plans, permits, surveys, and/or reports that have been completed to support this CEQA status. The IS/ND/MND must be accompanied by a signed, approved Notice of Determination, which must bear a date stamp to show that it has been filed with the State Clearinghouse and/or County Clerk, as required by CEQA.

- 
- ☐ **Environmental Impact Report**

If a project requires an Environmental Impact Report, then applicants must work with a qualified public agency, i.e., one that has discretionary authority over project approval or

permitting, to complete the CEQA process.

1. Describe how your project complies with the requirements for the use of an Environmental Impact Report per CEQA:

2. Submit the Draft and Final Environmental Impact Report along with any Mitigation Monitoring or Reporting Plans, permits, surveys, and/or reports that have been completed to support this CEQA status. The EIR documentation must be accompanied by a signed, approved Notice of Determination, which must bear a date stamp to show that it has been filed with the State Clearinghouse and/or County Clerk, as required by CEQA.

---

### **NEPA STATUS**

**(Applicable to federal applicants, some tribal organizations, and applicants receiving federal funding or conducting activities on federal lands)**

Check the box that corresponds with the NEPA compliance for your project.

☐ **Categorical Exclusion**

1. Describe how your project complies with the requirements for claiming a Categorical Exclusion per NEPA:

2. Submit the signed, approved Decision Memo and Categorical Exclusion, as well as documentation to support the Categorical Exclusion, including any permits, surveys, and/or reports that have been completed to support this NEPA status:

---

☒ **Environmental Assessment & Finding of No Significant Impact**

1. Describe how your project complies with the requirements for the use of an Environmental Assessment and Finding of No Significant Impact per NEPA:

This project will not have any permanent adverse effects to established resources. Any negative effects will be temporary and of short duration. Positive long term cumulative effects will be beneficial to this landscape and will outweigh the short term negative effects.

2. Submit the signed, approved Environmental Assessment and Finding of No Significant Impact along with any permits, surveys, and/or reports that have been completed to support this NEPA status.

---

☐ **Environmental Impact Statement**

1. Describe how your project complies with the requirements for the use of an Environmental Impact Statement per NEPA:

2. Submit the Draft and approved, Final Environmental Impact Statement, along with the Record of Decision and any permits, surveys, and/or reports that have been completed to support this NEPA status.

This Notice of Exemption will be amended within 30 days of this project submission. During the period of project development, August through mid-October access to the project area was restricted. Due to the magnitude of this fire it was necessary to include additional riparian acres and two springs into this project. None of the exceptions will change with the amendment. This will allow for a more thorough resource protection and rangeland improvement project.

**NOTICE OF EXEMPTION**

**TO:** County Clerk  
County of Lassen  
220 South Lassen Street  
Susanville, CA 96130

**FROM:** Honey Lake Valley Resource Conservation District (RCD)  
170 Russell Ave., Suite C  
Susanville, CA 96130

**RECEIVED**

**OCT 17 2012**

JULIE BUSTAMANTE  
LASSEN COUNTY CLERK  
By *[Signature]* Deputy

---

**Project Title:** Rush Creek Improvement Project

**File Number:** SNC

---

**Lead Agency Contact Person:** Tim Keeseey, Watershed Coordinator

**Phone No.:** (530) 260-0934

---

**Project Location:** Lassen County, California – Rush Creek.

---

**Project Description:** This project will entail temporarily fencing off the Rush Creek tributary, which is also the Noble's Trail and current roadway. This is the focus area of the project and consists of approximately 225 acres. The waterway and adjacent upland areas are where most of the human and livestock impacts are taking place. Water gaps will be provided so that grazers will have access to water. In an effort to provide adequate water sources for livestock and wildlife seven springs will be developed and/or redeveloped. All vehicle activity will stay on existing roads and previously disturbed ground. Development consists of installing spring boxes, cradled aluminum troughs, inflow and outflow pipes and bird ladders. A backhoe will be used at sites requiring the installation of spring boxes and troughs and to dig the shallow trenches for piping. Some sites will only require fencing around the riparian areas.

---

**Exempt Status:**

1. ☐ Ministerial (Sec. 21080(b)(1); 15268);
2. ☐ Declared Emergency (Sec 21080(b)(3); 15269(a));
3. ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
4. ☒ Categorical Exemption. State type and section number: 15304 – Minor Alterations to Land; 15331 Historical Resource Restoration/Rehabilitation; and 15333 – Small Habitat Restoration Projects
5. ☐ Statutory Exemptions. State type and section number:

---

**Reason why project is exempt:** HLV RCD staff and its Board of Directors have reviewed the proposed project environmental analysis and determined that it is exempt from the California Environmental Quality Act under Section 15304, 15331, and 15333 of the Guidelines.

*[Signature]*  
Mr. Robert Anton

Chairman  
Title

10-17-2012  
Date

Due to the Rush Fire the SNC has granted the Bureau of Land Management Eagle Lake Field Office a 30 day extension on submitting NEPA documentation for this project.

A signed NEPA document titled the Rush Creek Improvement Project will be submitted to the SNC by November 21, 2012.

Please don't hesitate to contact me if you have any questions or concerns.

Thank you,

Valda Lockie

530-252-5325

[vlockie@blm.gov](mailto:vlockie@blm.gov)



BRIAN SANDOVAL  
*Governor*

STATE OF NEVADA  
**DEPARTMENT OF WILDLIFE**

1100 Valley Road  
Reno, Nevada 89512  
(775) 688-1500 • Fax (775) 688-1595

KENNETH E. MAYER  
*Director*

RICHARD L. HASKINS, II  
*Deputy Director*

PATRICK O. CATES  
*Deputy Director*

October 1, 2012

Valda Lockie  
Bureau of Land Management  
Eagle Lake Field Office  
2950 Riverside Drive  
Susanville, CA 96130

Subject: Rush Creek Watershed Improvement Project

Dear Ms. Lockie:

The Nevada Department of Wildlife (NDOW) applauds the Bureau of Land Management Eagle Lake Field Office's management efforts towards improving the ecological conditions of riparian areas within the Rush Creek Watershed. We continue to support your efforts as was described in our July 16, 2012 support letter (enclosed). In addition to the support letter we encourage the BLM to consider and incorporate the following suggestions.


Overutilization by livestock and wild horses has resulted in degraded upland and riparian areas in this region. It is important to implement appropriate grazing management changes to ensure long term resource goals, objectives, and standards are achieved; subsequently, providing wildlife benefits. It is especially important to make grazing modifications, so to manage for ecological function and health, with regards to the Rush Fire rehabilitation efforts and the proposed Rush Creek Projects. Such grazing management changes include, but are not limited to:

- Adjusting livestock numbers and season of use to meet resource objectives
- Utilize proactive livestock management efforts (e.g. herding) to ensure resource degradation doesn't occur
- Allowing adequate rest and recover following the Rush wildfire to meet resource objectives

We encourage the BLM to consider utilizing water gaps similar to those identified in an email submitted on July 16, 2012 (enclosed). Water gaps will protect the riparian area while allowing access to cattle without running the de-water risks associated with spring-box, pipeline and trough projects. If water gaps are not feasible, we recommend including an inflow/outflow trough system that maintains water in existing riparian areas (to the extent feasible).

We appreciate and support BLM's efforts to improve habitat within the Rush Creek Watershed. If there are any questions or need for additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Freese".

Mark Freese  
Supervisory Habitat Biologist



Mr. Jim Branham  
Sierra Nevada Conservancy

Rush Creek Tributary Area Project

This letter is in support of the Rush Creek Tributary Area Project proposed by the Eagle Lake Field Office (ELFO) of the Bureau of Land Management (BLM). The BLM is responsible for the management of the Rush Creek Tributary Area and eight adjacent springs. Overgrazing by livestock and feral horses has caused the deterioration of the Rush Creek Tributary Area and the adjacent springs. Grazing pressure on these riparian systems has intensified recently in response to the 2012 Rush Fire. The Five Springs complex managed by the California Department of Fish and Game is overgrazed by livestock and feral burros. Present vegetation at Five Springs is incapable of retaining water to prevent the flooding of nearby Deep Creek. The ELFO is proposing to temporarily fence the Rush Creek Tributary Area and permanently fence several of the adjacent springs. The Five Springs complex will also be permanently fenced.

Overgrazing of Five Springs has eliminated the spring's ability to retain water during high flow events. Exclusion of horses and livestock will improve meadow vegetation structure at Five Springs. The restored meadow would hold water and prevent the flooding of nearby Deep Creek. Temporary fencing of the Rush Creek Tributary Area will allow ecological recovery from historic overgrazing. Restoration of the Rush Creek Tributary Area would create valuable habitat for sage-grouse and mule deer. Rehabilitation of the eight springs adjacent to the Rush Creek Tributary Area will provide critical habitat for upland game birds. Provision of water sources outside of the fenced areas will prevent negative impacts on livestock and feral equine

I support the project's goal to protect vulnerable riparian systems with temporary and permanent fencing. Restored meadows will provide valuable habitat for wildlife. If you have any questions please feel free to contact me at (530) 254-6808 or [behler@dfg.ca.gov](mailto:behler@dfg.ca.gov).

Sincerely,



Brian Ehler  
Environmental Scientist  
California Department of Fish and Game  
728-600 Fish and Game Road  
Wendel, CA 96136



## Long Term Management and Sustainability Plan

The long term management of this project will include annual special status plant surveys and weed monitoring and treatments at each site. Annual range improvement inspections also occur at developed sites. The BLM implements these programs on an annual basis as part of an adaptive management plan. This project is designed to provide clean water in adequate amounts and to allow systems to recover naturally in the most sustainable methods available.

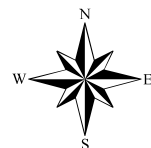
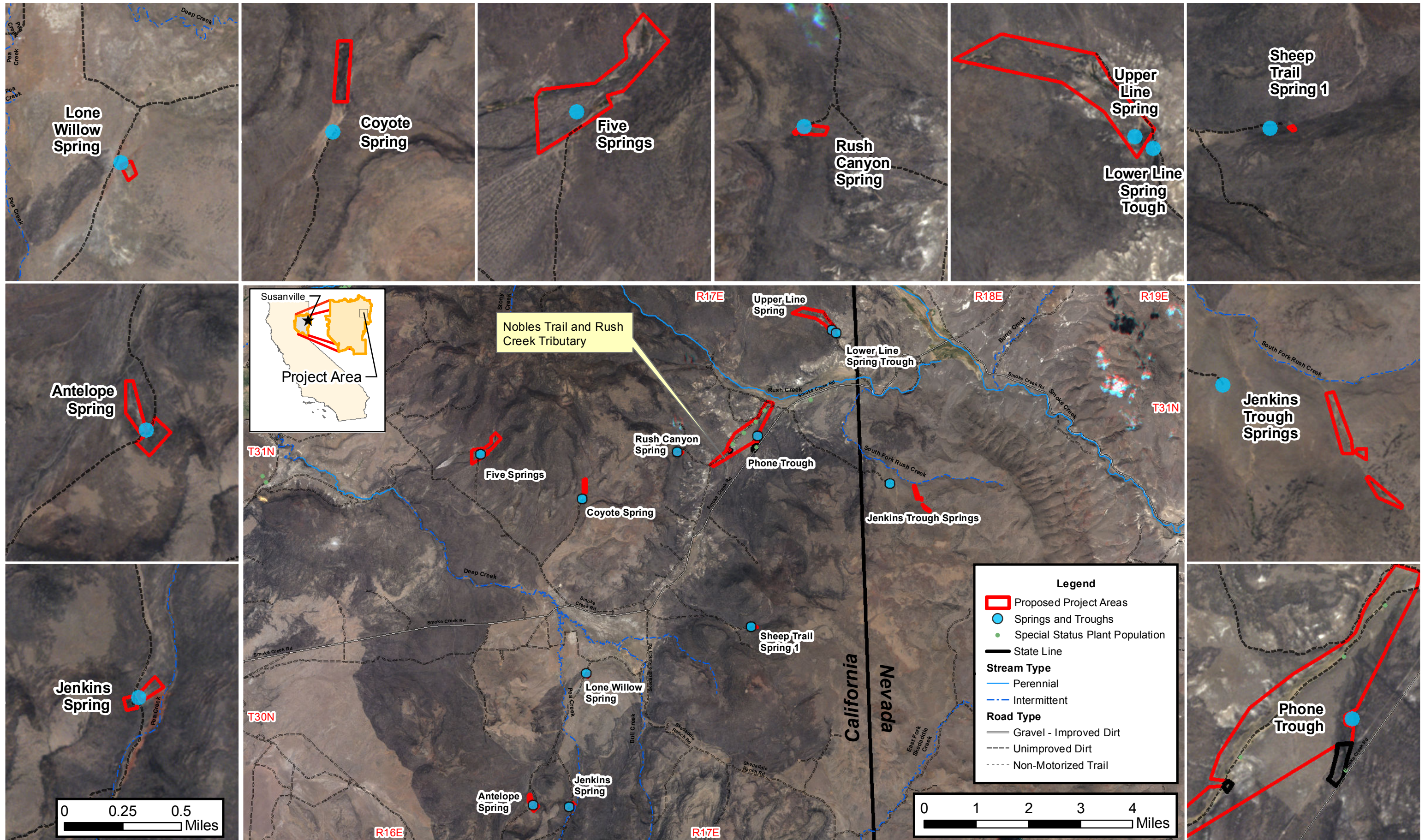
The ELFO currently has an effective special status plant inventory and monitoring program and a weed inventory and monitoring program in place. These programs require annual surveys. Known weed populations receive treatment until the weed supervisor is satisfied that the population has been eradicated. Bi-annual visits to historic populations occur and if weeds are found these sites are placed back on the treatment schedule. Any site under this project proposal that is not currently a part of these programs will be included.

Current special status plant monitoring sites include the Rush Creek Tributary area and the Coyote Spring area. Silverleaf milkvetch (*Astragalus argophyllus* var. *argophyllus*) occurs along the Rush Creek Tributary and Modoc plateau milkvetch (*Astragalus pulsiferae* var. *coronensis*) occurs near Coyote Spring. If populations of special status plants are found at these sites they will be recorded in the ELFO special status plant database. They will continue to receive annual surveys beyond the ten year period. If necessary, adaptive management actions will be implemented to protect populations against threats to survival.

Active weed survey sites within this project that are receiving treatment include the Rush Creek Tributary area, Rush Canyon Spring, Antelope Spring and Jenkins Spring. All remaining sites under this project will be included in the survey schedule for ten years. This will allow time for weeds to emerge. Noxious weed sites will be treated under the BLM guidelines. Methods of treatment differ with species and physical attributes of the site. Appropriate methods of treatment will be applied to all populations for a minimum of ten years.

Current range improvement surveys include Antelope Spring, Jenkins Spring, Coyote Spring, Phone Spring, Sheep Trail 1 Spring, Rush Canyon Spring and Lower Line Spring. Any project sites currently not a part of these surveys will be included. Once included any maintenance requirements will be addressed via a project proposal. Maintenance will occur in a timely manner. Annual range improvement inventories will continue beyond 10 years and into perpetuity. As the need arises management will apply adaptive methods to maintain the integrity of all range improvements.





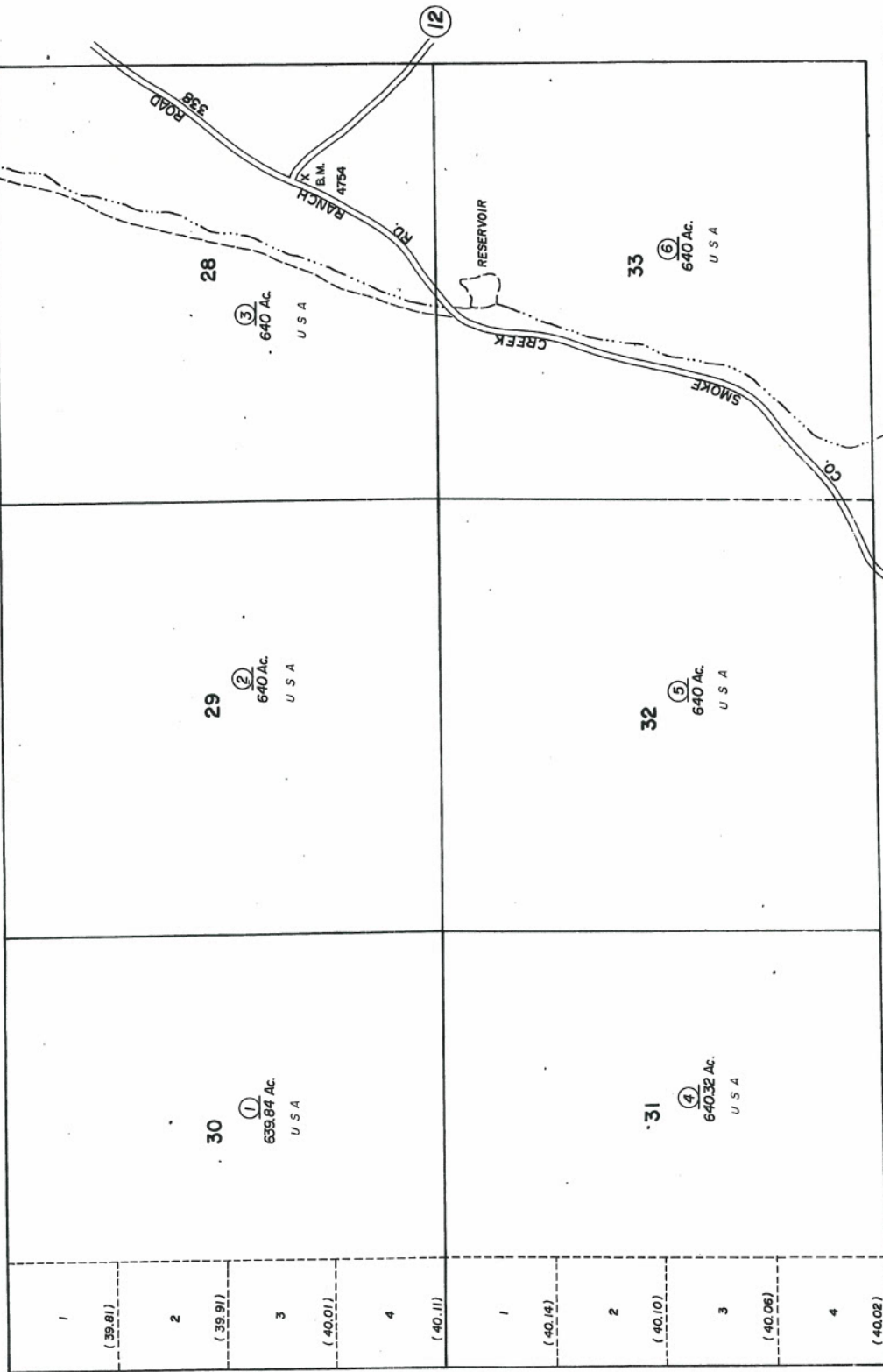
# Rush Creek Site Map



T.31N., R.17E., M.D.B. & M.

TRA - 77008

95-11



Assessor's Map Bk. 95 - Pg. 11  
County of Lassen, Calif.

Bk. 111  
Pg. 3

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.

Acreage listed is prepared and checked with available information and is for Assessor's Office use only.

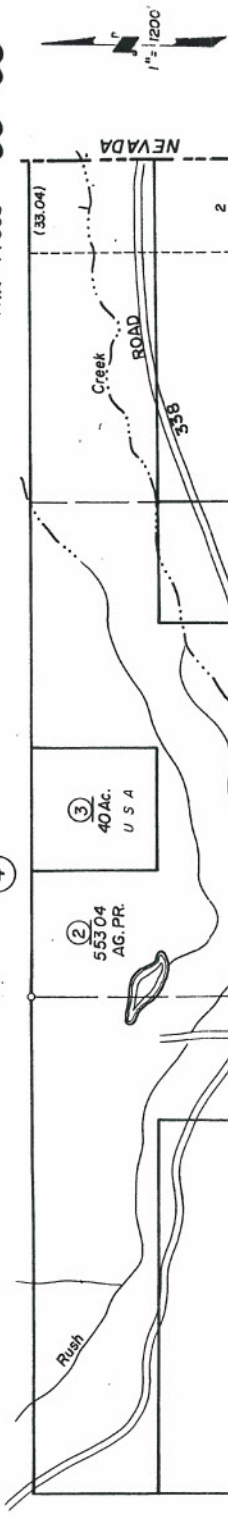
RC Tributary - South

T.31N., R.17E., M.D.B. & M.

(4)

TRA - 77008

95-08



Acreage listed is prepared and checked with available information and is for Assessor's Office use only.

Assessor's Map Bk. 95 - Pg. 08  
County of Lassen, Calif.

(12)

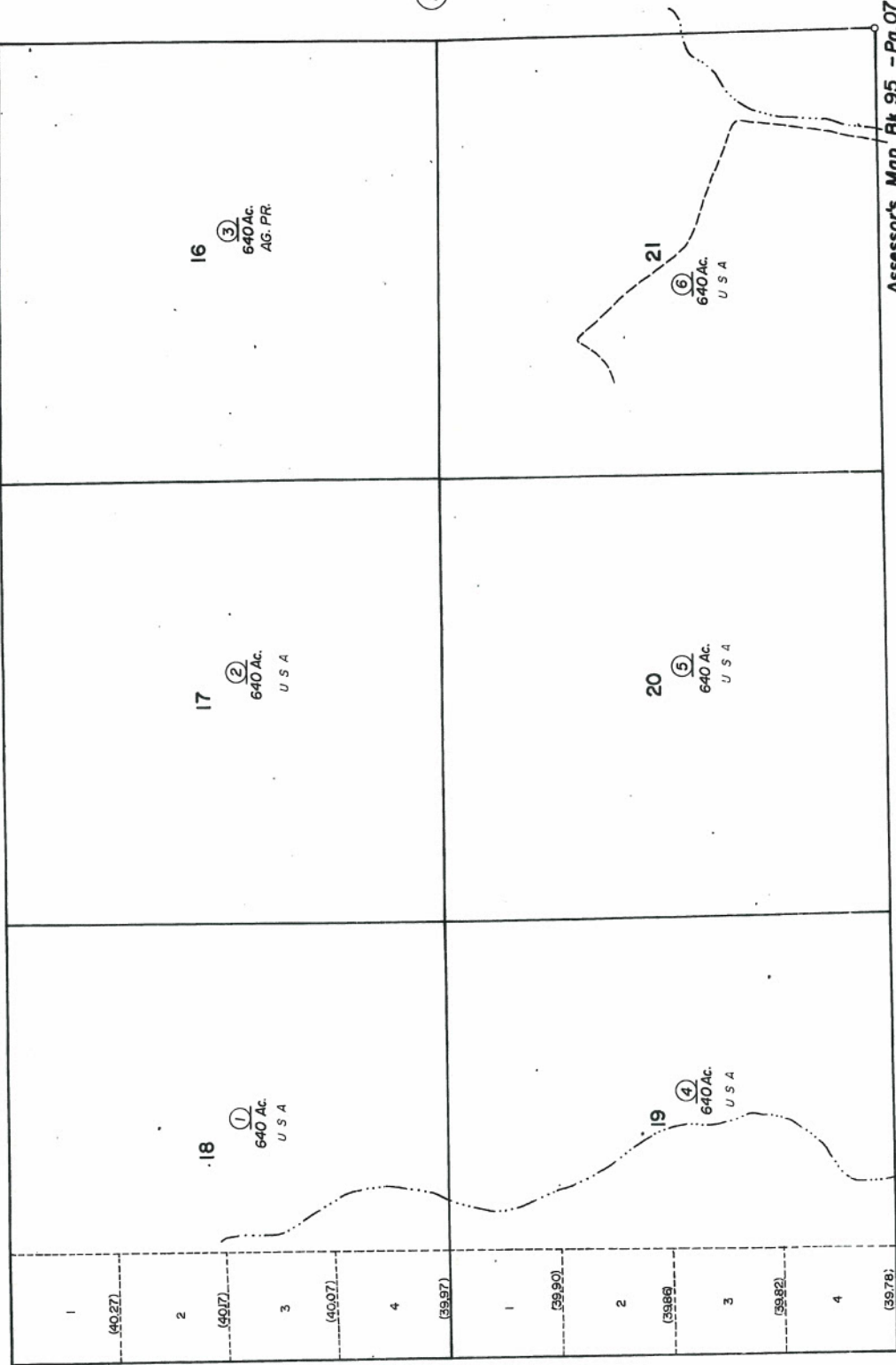
NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

R.C. Tributaries - North + Pluma Sacina

T. 31N, R. 17E., M.D. B. & M.

TRA - 77008

95-07



Assessor's Map Bk. 95 - Pg. 07

County of Lassen, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

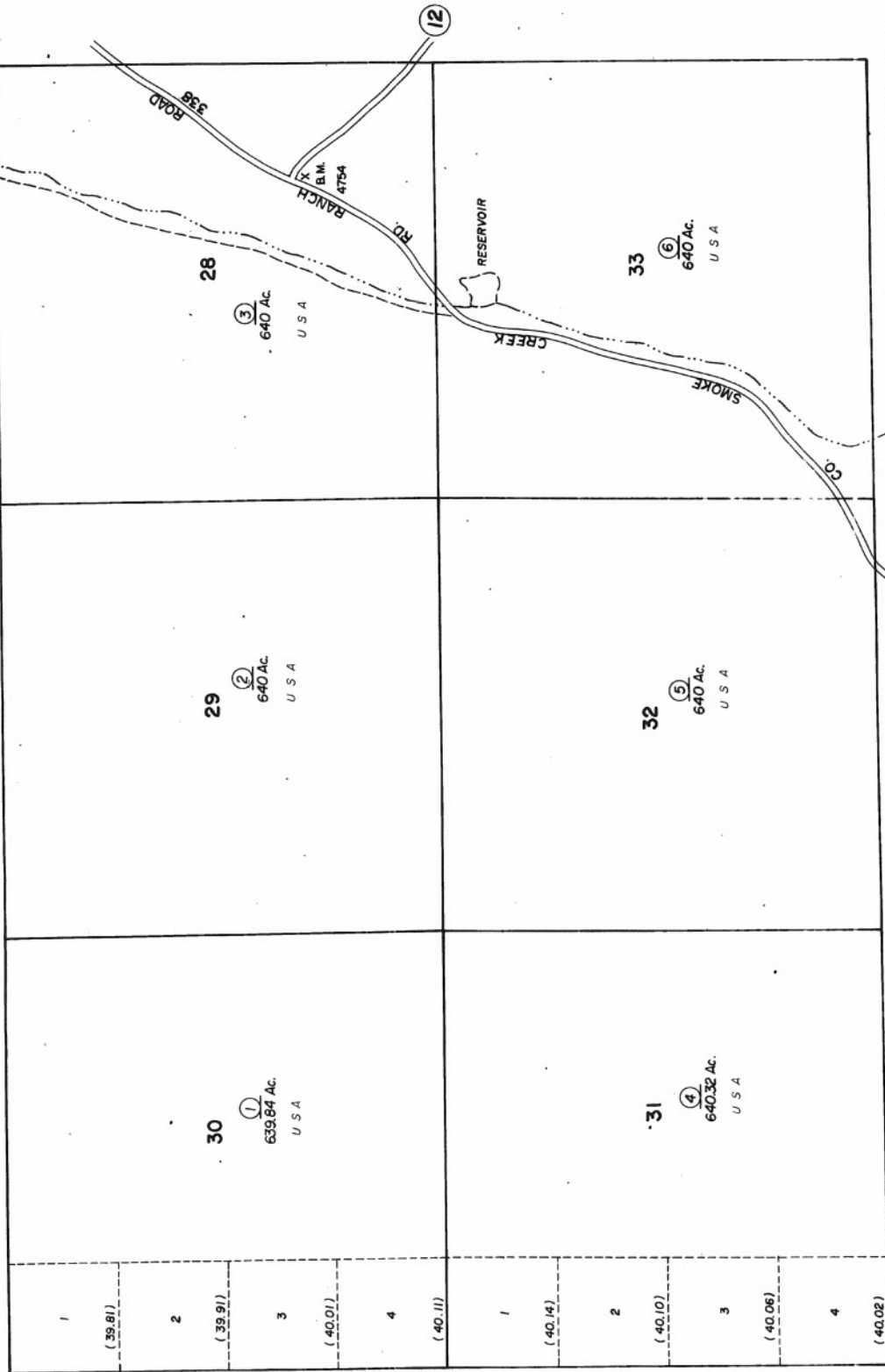
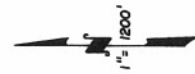
Acreage listed is prepared and checked  
with available information and is for  
Assessor's Office use only.

Ricki P. ...

T.31N., R.17E., M.D.B.&M.

TRA-77008

95-11



Assessor's Map Bk. 95 - Pg. 11  
County of Lassen, Calif.

Bk. 111  
Pg. 3

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.

Acreage listed is prepared and checked  
with available information and is for  
Assessor's Office use only.

Printed 5/2/07



T. 30N., R. 17E., M. D.B. & M.

TRA - 77008

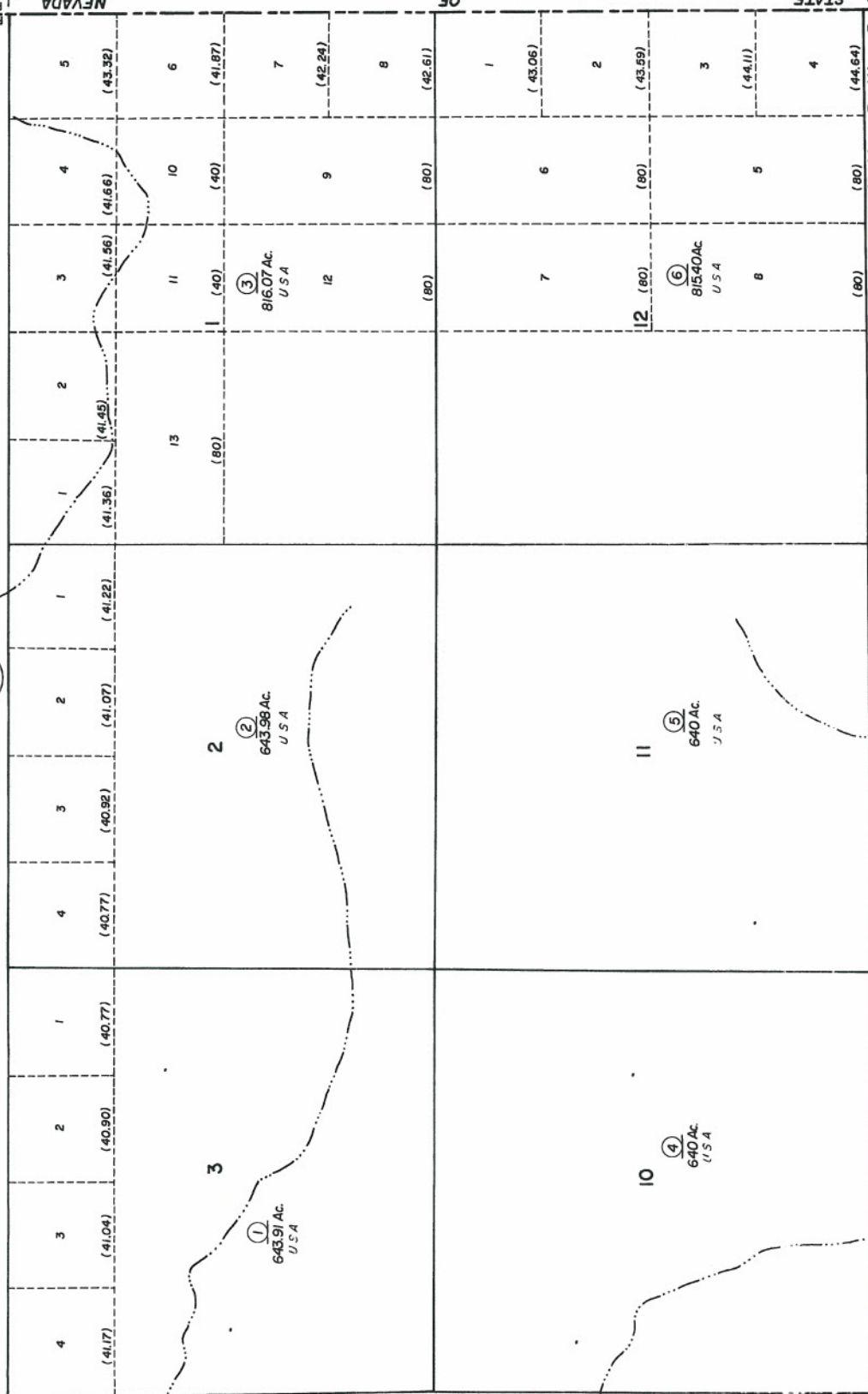
III-04

Bk  
95  
Pg. 12

T. 31N.  
T. 30N.

NEVADA

1" = 1200'



NOTE: Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

County of Lassen, Calif.

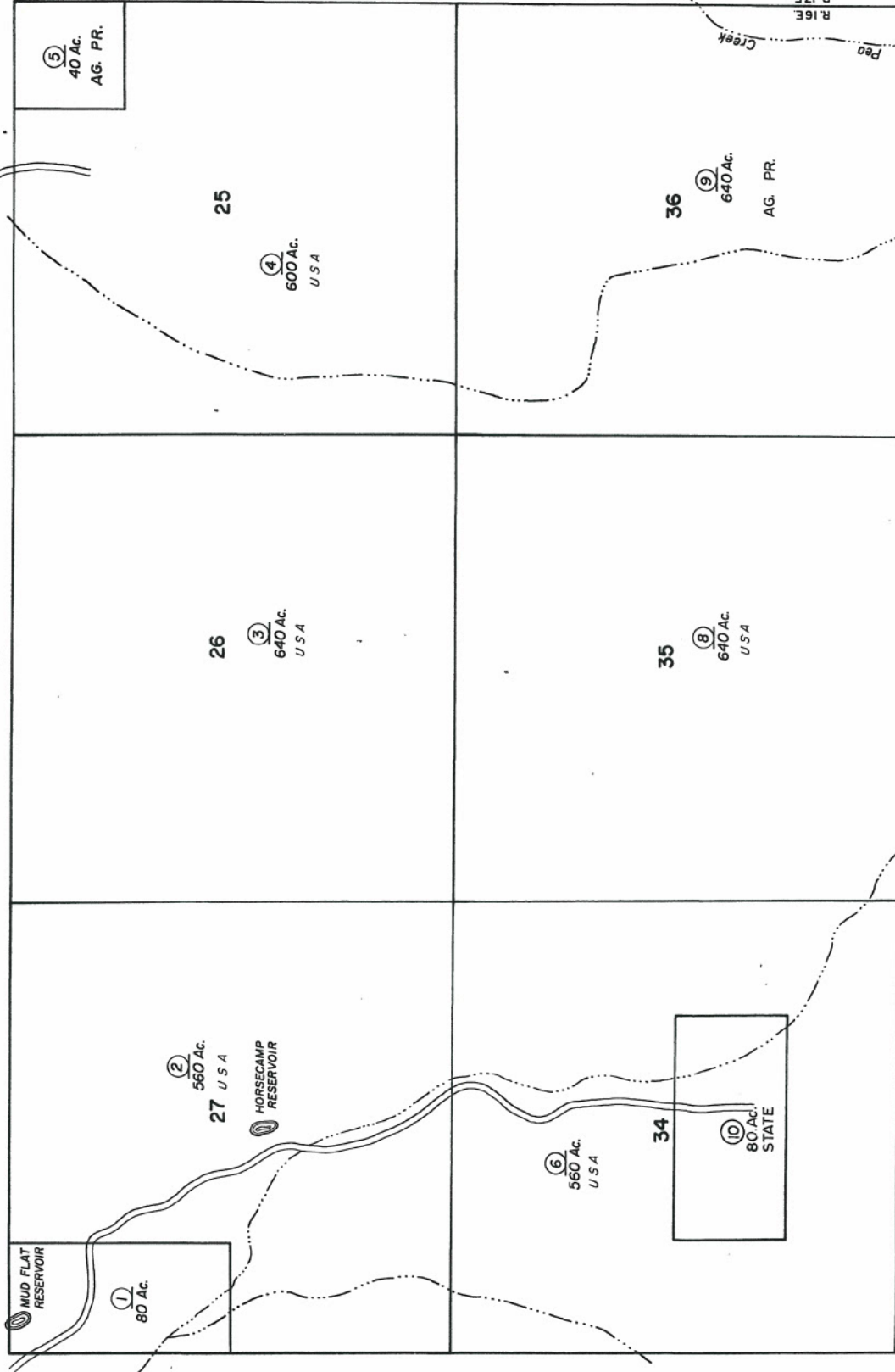
Assessor's Map Bk. III - Pg. 04

Shoof Trail Spring

T. 30 N., R. 16 E., M. D. B. & M.

TRA - 77008

111-10



Bk.  
121  
Pg. 2

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles

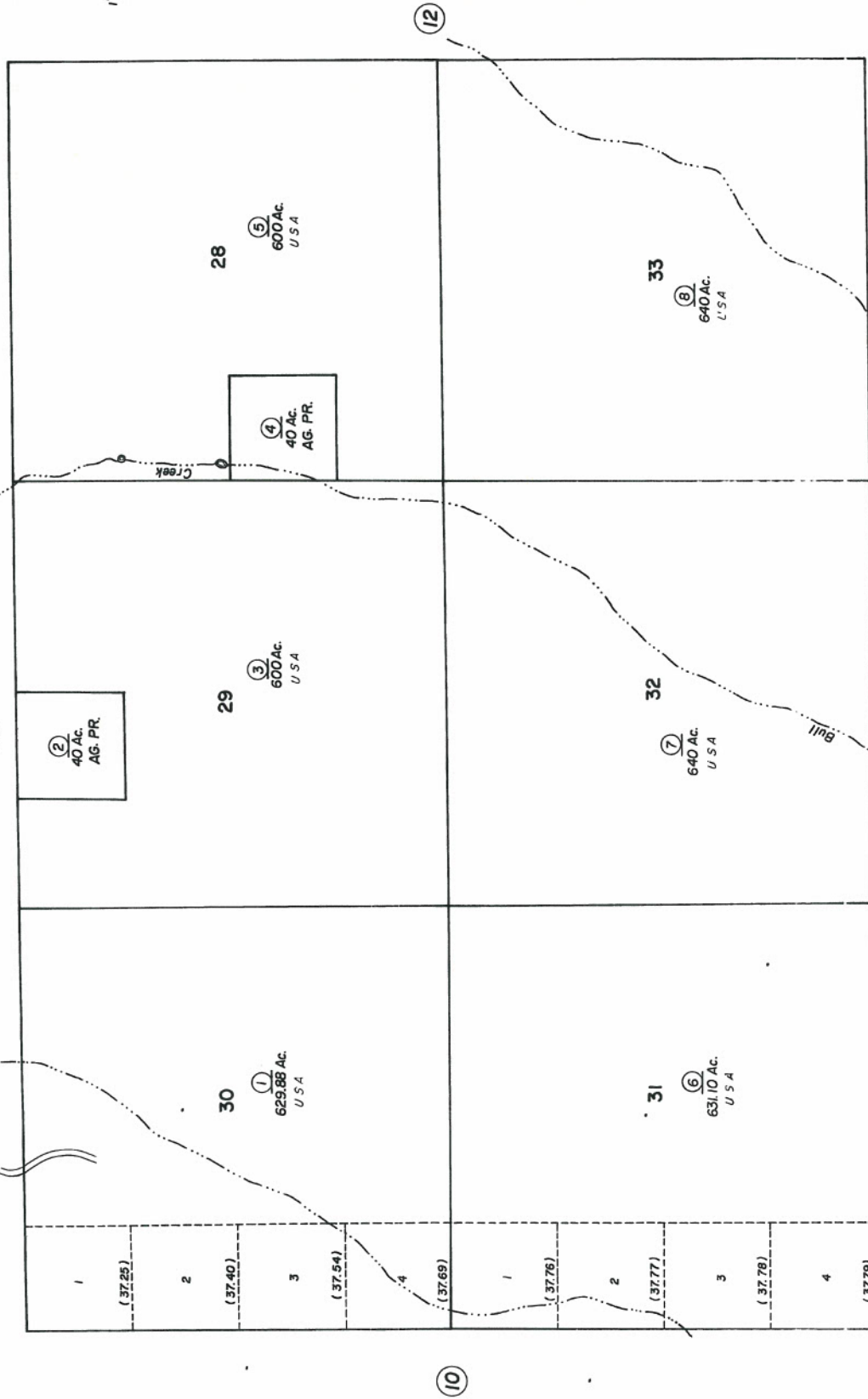
Assessor's Map Bk. 111 - Pg. 10  
County of Lassen, Calif.

Antelope Spring

T. 30N., R. 17E., M. D. B. & M.

TRA - 77008

111-11

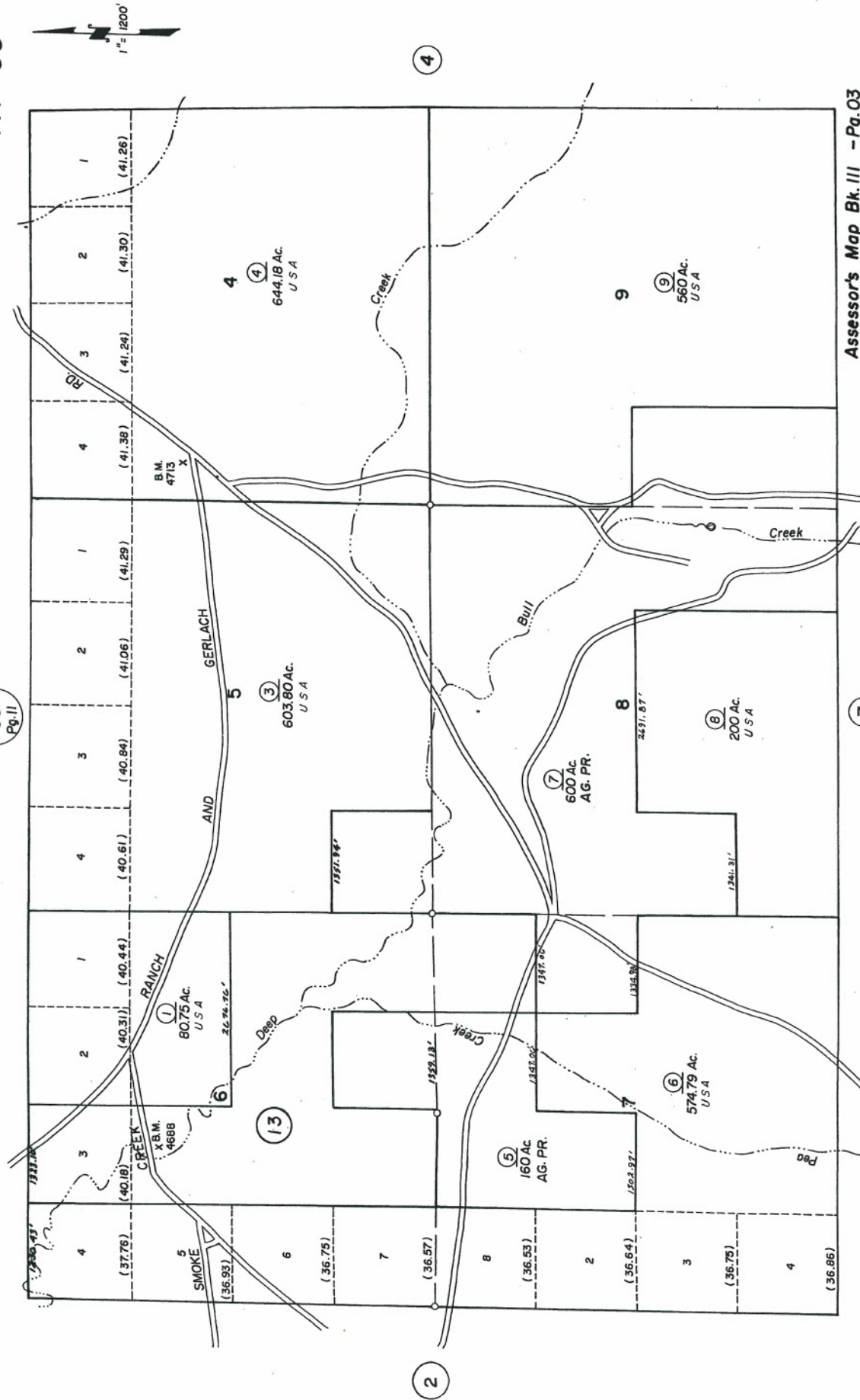


Assessor's Map Bk. 111 - Pg. 11  
County of Lassen, Calif.

Bk.  
121  
Pg. 3

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Townline ending



**NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.**

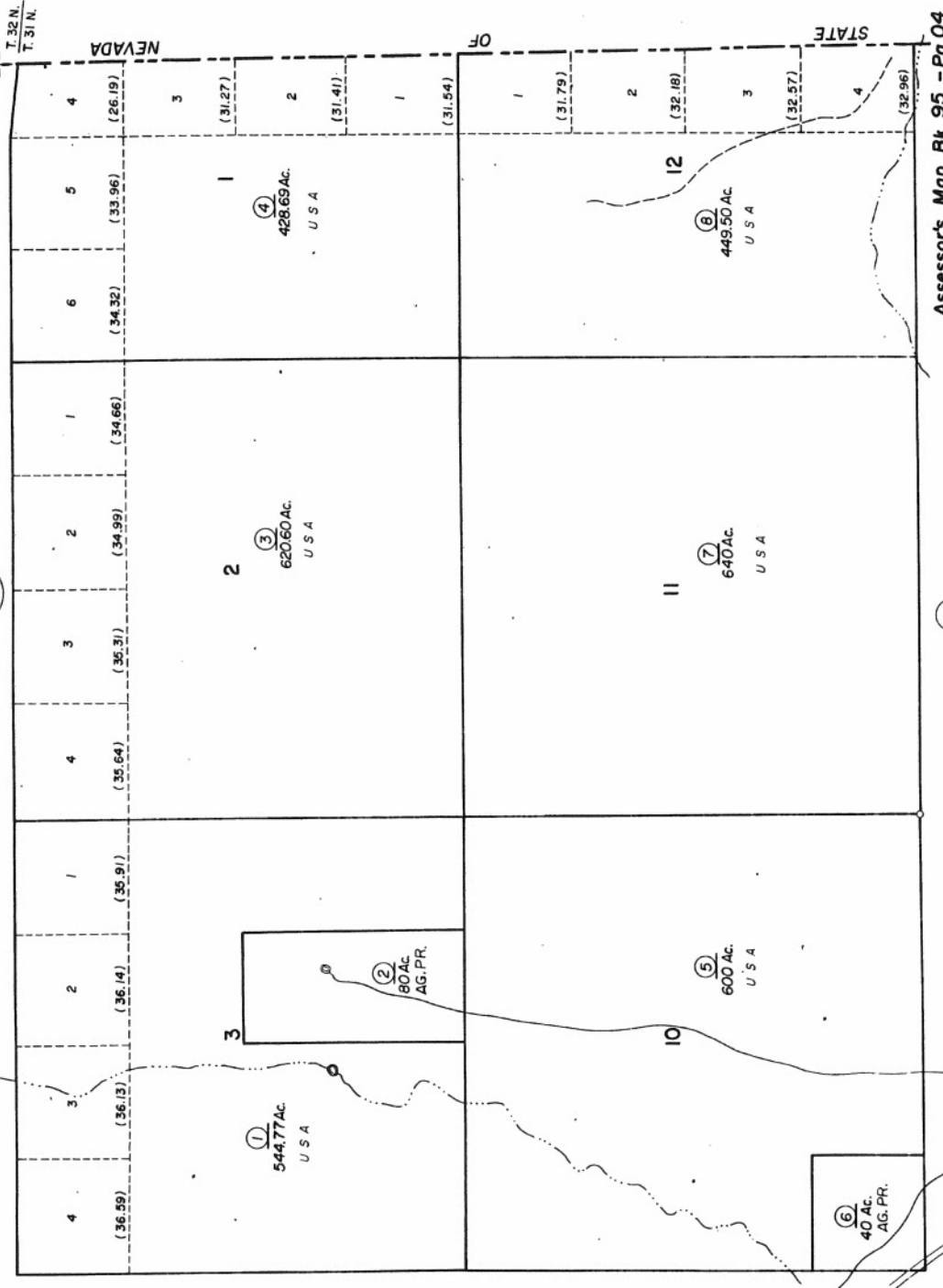
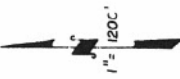
Low Willow Springs

T.31N., R.17E., M.D.B. & M.

95-04

TRA-77008

Bk. 83  
Pg. 12



Assessor's Map Bk. 95 - Pg. 04

County of Lassen, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Acreage listed is prepared and checked with available information and is for Assessor's Office use only.

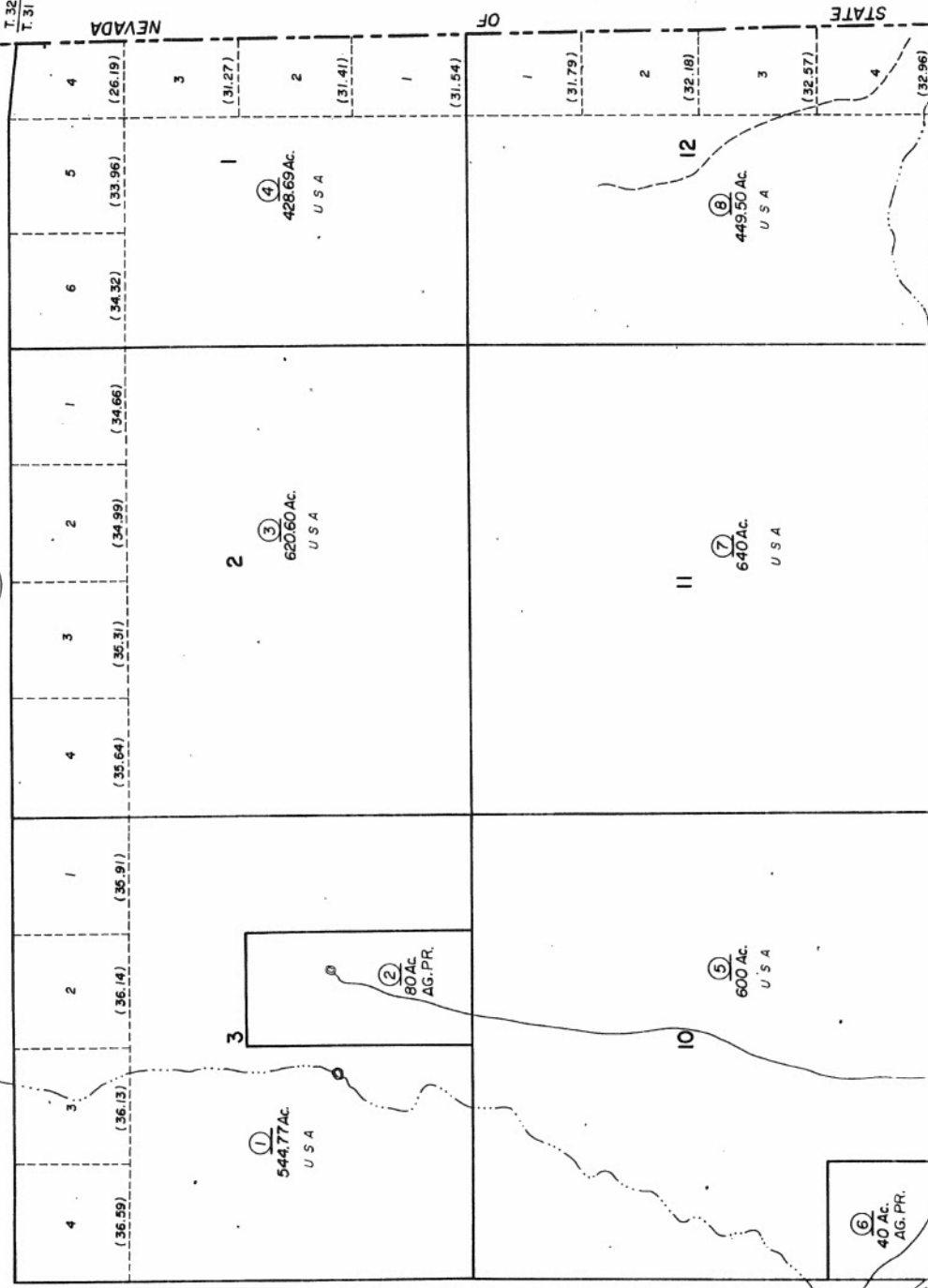
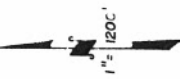
Lower line

T.31N., R.17E., M.D.B. & M.

Bk. 83  
Pg. 12

TRA - 77008

95-04



Assessor's Map Bk. 95 - Pg. 04

County of Lassen, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Acreage listed is prepared and checked  
with available information and is for  
Assessor's Office use only.

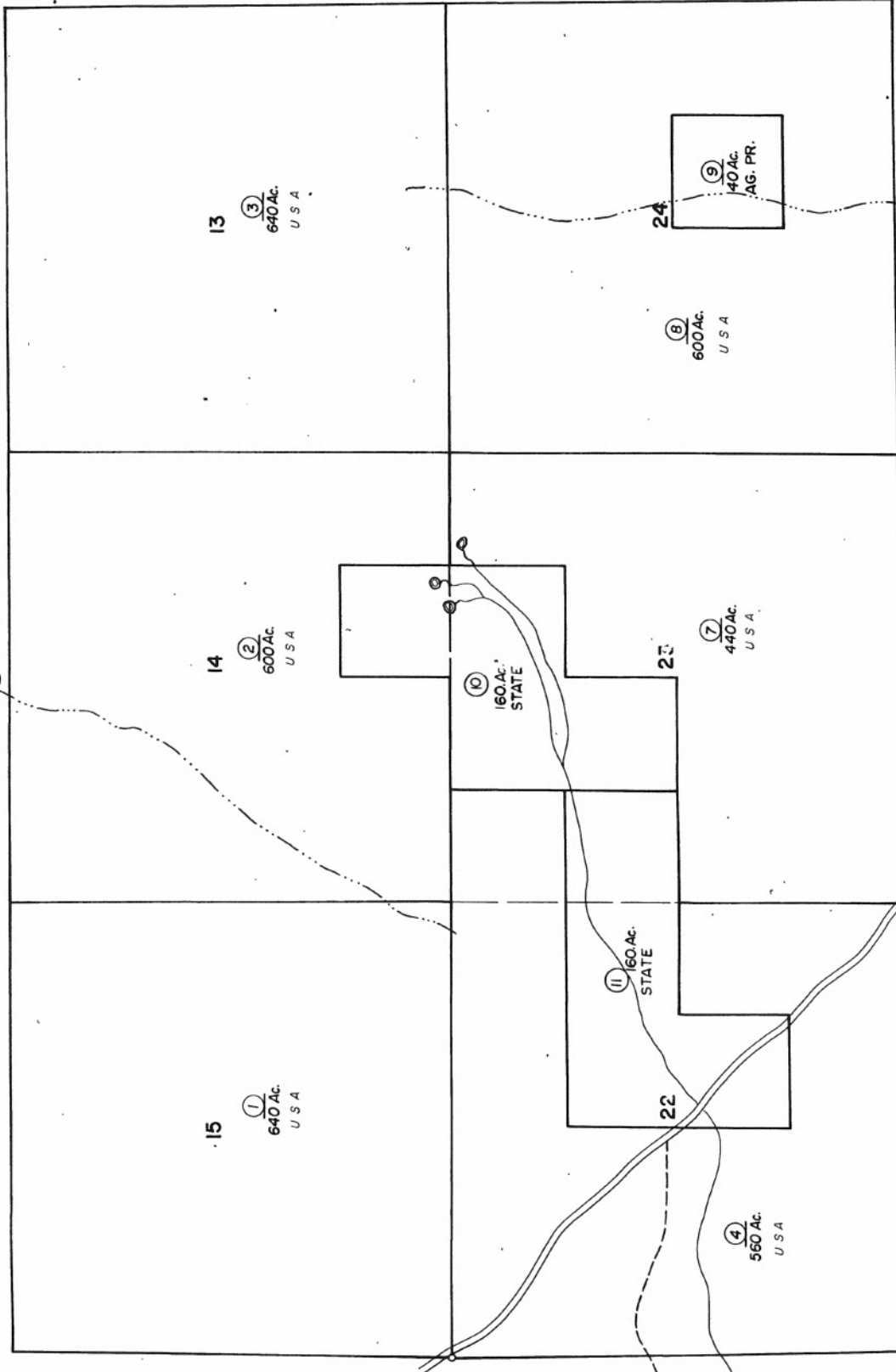
1100001100



T.31N, R.16E., M.D.B.&M.

TRA - 77008

95-06



Assessor's Map Bk. 95 - Pg. 06  
County of Lassen, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Acreage listed is prepared and checked  
with available information and is for  
Assessor's Office use only.

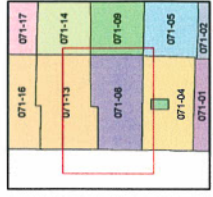
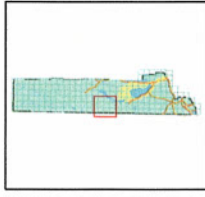
5 Springs

Assessor's Map Number  
**071-08**

STATE OF NEVADA  
**WASHOE COUNTY**  
ASSESSOR'S OFFICE  
Joshua G. Wilson, Assessor  
1001 East Ninth Street  
Reno, Nevada 89512  
(775) 325-2231



0 1,250 2,500 3,750 5,000  
1 inch = 5,280 feet



created by: CFB 12/01/2010  
last updated:  
area previously shown on map(s)

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data obtained thereon.

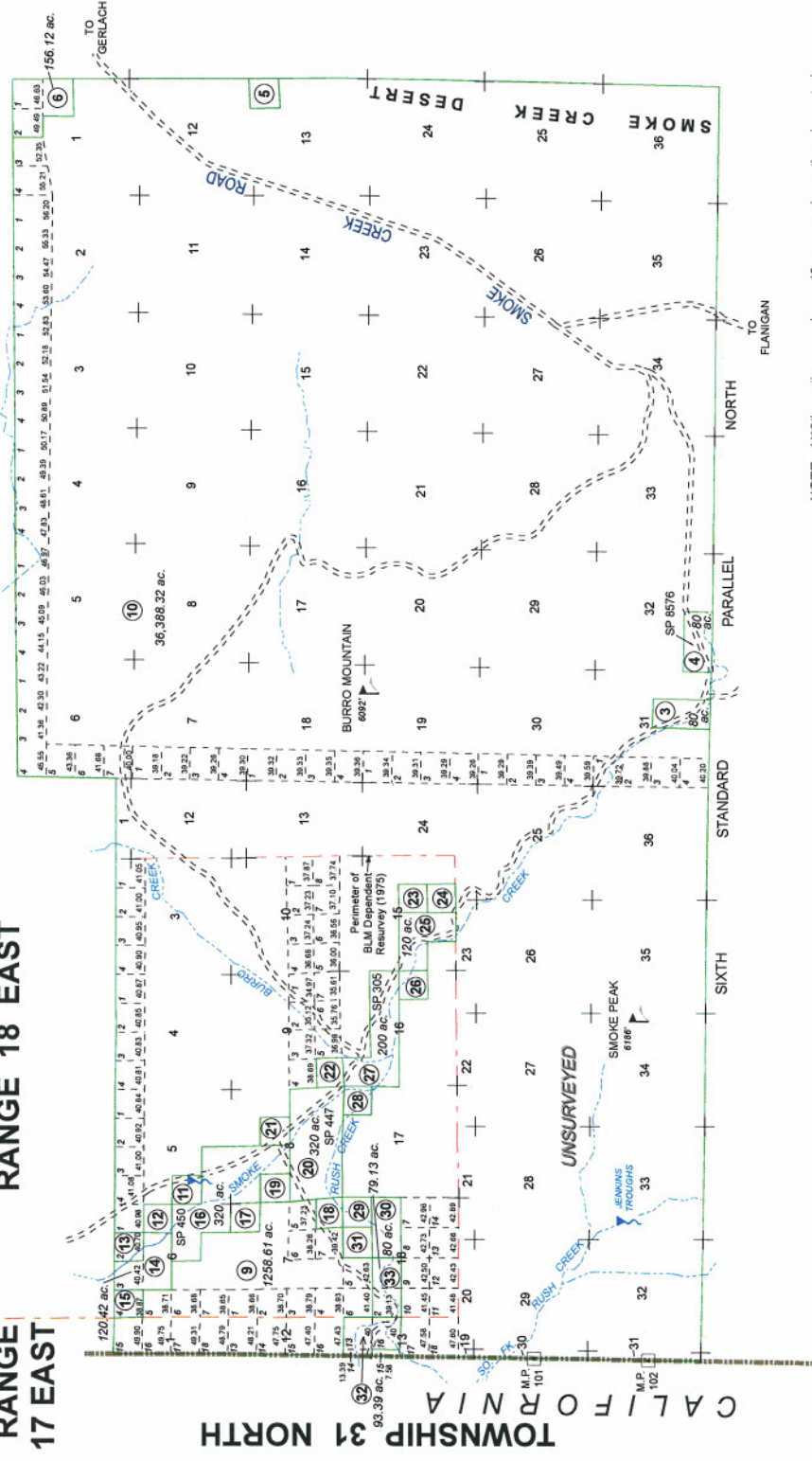
Parcel Number	Patent Number	Acres
071-080-11	SP 3339	40
071-080-12	SP 3339	40
071-080-13	SP 3339	40
071-080-14	SP 3339	40.70
071-080-15	SP 3339	120.42
071-080-16	SP 3339	38.87
071-080-17	SP 3339	40
071-080-18	SP 3266	40
071-080-19	SP 3426	40
071-080-20	SP 3339	40
071-080-21	SP 3339	40
071-080-22	SP 3340	40
071-080-23	SP 690	40
071-080-24	SP 3340	40
071-080-25	SP 448	120
071-080-26	SP 3340	40
071-080-27	SP 445	40
071-080-28	SP 3425	40
071-080-29	SP 3430	80
071-080-30	SP 4330	40
071-080-31	SP 6905	93.39
071-080-32	SP 445	40
071-080-33	SP 3423	79.13

SP = State (Nevada) Land Patent

## RANGE 19 EAST

## RANGE 18 EAST

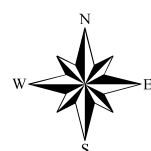
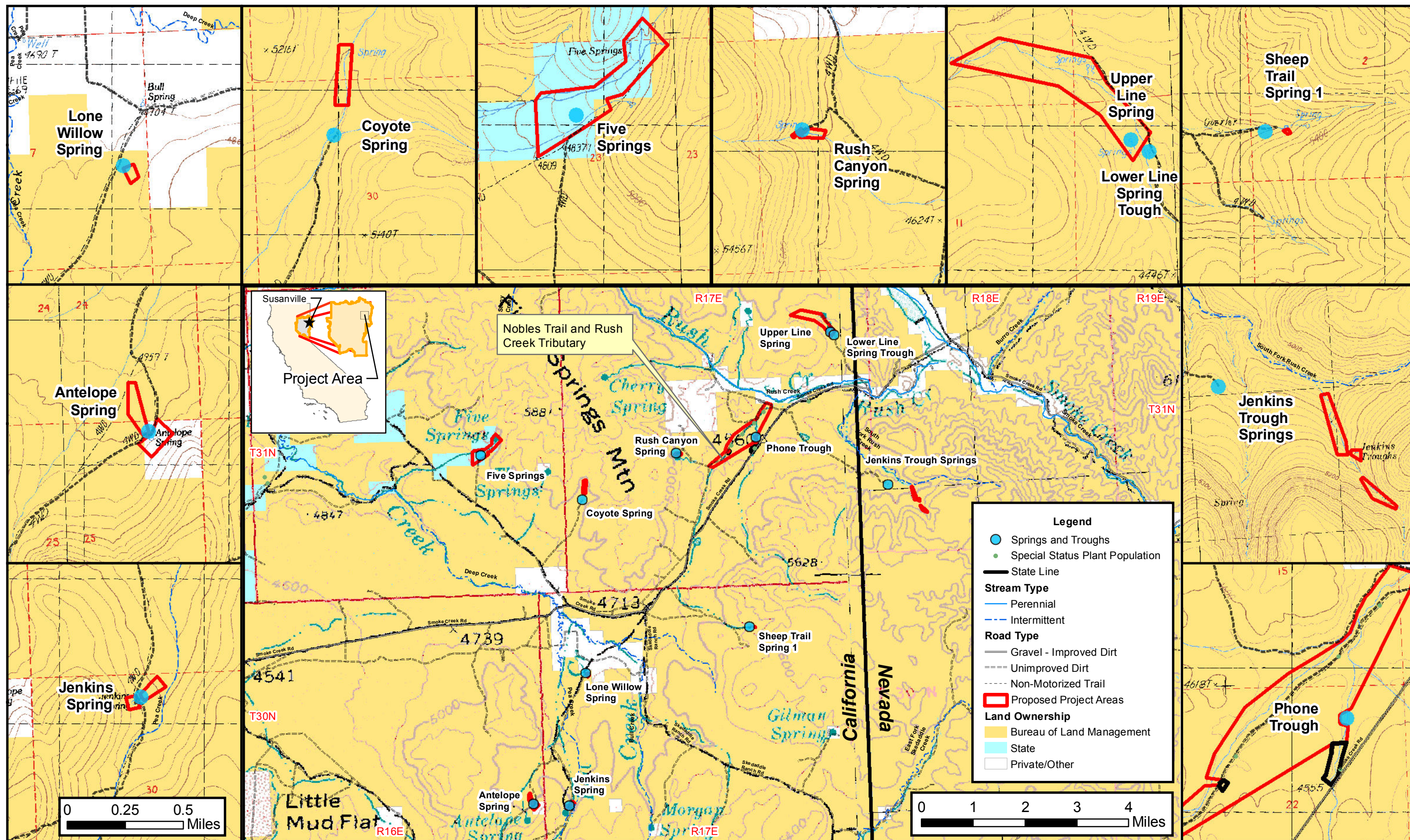
## RANGE 17 EAST



NOTE: 1/16th section parcels are 40 acres, unless otherwise noted.

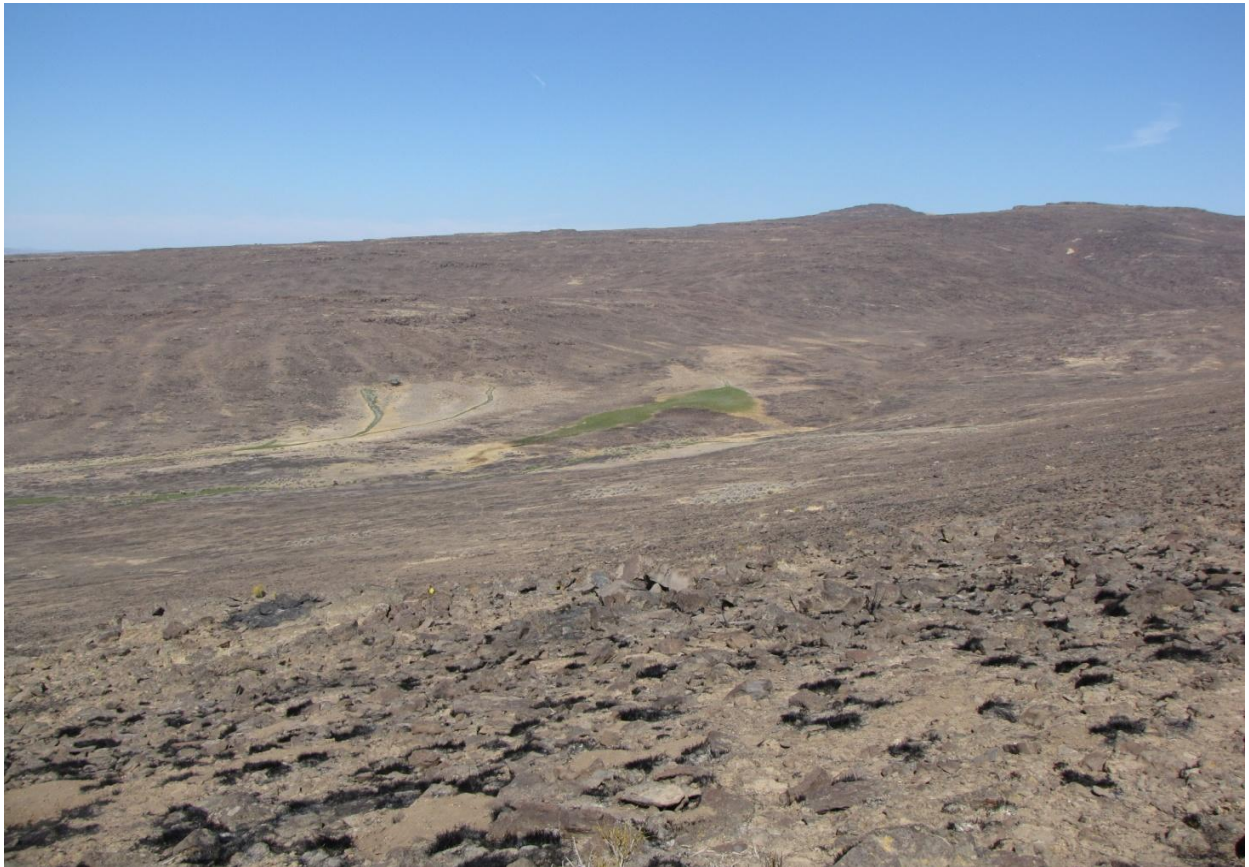
Jenkins Troughs Corina





# Rush Creek Site Map





Five Springs project site



Looking west at the Five Springs drainage.





Rush Creek Tributary showing severe erosion overgrazed uplands and burned area to be seeded by BLM.



Nobles Trail/Rush Creek Tributary/Roadway





Current conditions at Phone Trough.



Pre fire conditions at Rush Canyon Spring trough.





Upper Line Springs depicting heavy livestock, horse and burro use. This area will be fenced to allow for natural recovery.



Current conditions at Lower Line Spring trough.





Current conditions at Jenkins Troughs Spring.



Current conditions at Coyote Spring trough.

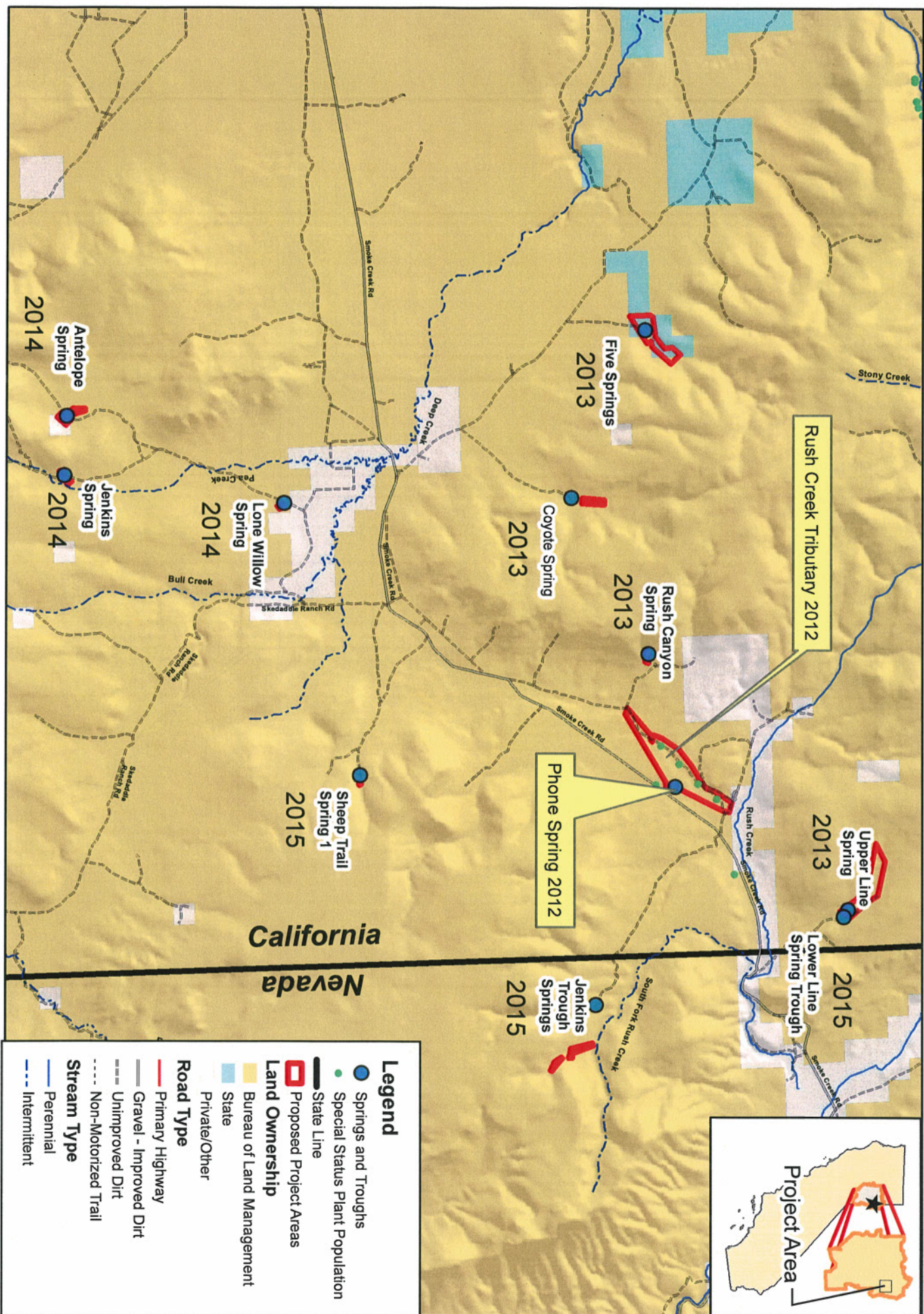
## Land Tenure

This item qualifies as not applicable. The land in which this project will occur is owned by the United States Government and managed by the Department of the Interior, Bureau of Land Management, Eagle Lake Field Office.

One small section of land is owned by the State of California, Department of Fish and Game and managed by the Wendell, CA. office.



# Rush Creek Improvement Project Site Map



U.S. Department of the Interior  
Bureau of Land Management  
Reno, Nevada  
B001327-0408  
www.blm.gov/landmanagement  
Product: 9/19/99 10:03 AM 8.07 Harddisk 100.00



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the information shown on this map. The information shown on this map was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notice.



Project Sites	Detailed Deliverables	Timeline
Weed inventories and Treatments	All sites will be inventoried for weed infestations and treated, BLM staff	June 11-14, 2013 Repeated annually and indefinitely at BLM expense
Special Status Plant Surveys	Inventory and monitor SSP populations in project area. BLM Staff	June 10-14, 2012 Repeated annually and indefinitely at BLM expense
R C Tributary/Noble's Trail	Install wire fencing- Contracted	June 10-14, 2013
Phone Trough	Re-development BLM staff	June 10-13, 2013
Upper Line Spring	Install wire fencing- Contracted	June 17-21, 2013
Five Springs	Install pipe fencing- Prison Crews-CDFG supervision and in kind contribution.	July 8-12, 2013 July 15-19, 2013
Rush Canyon Spring	Re-development BLM Staff Install wire fencing- BLM Staff	August 12-13, 2013 August 19-21, 2013
Coyote Spring	Re-development BLM Staff Install wire fencing- BLM Staff	September 9-12, 2013 September 16-18, 2013
Antelope Spring	Re-development BLM Staff	July 7-8, 2014
Jenkins Spring	Redevelopment BLM Staff Install wire fencing- BLM Staff	July 28-31, 2014 August 4-6, 2014
Lone Willow Spring	Development BLM Staff Install wire fencing-BLM Staff	August 18-21, 2014 August 25-27, 2014
Sheep Trail 1 Spring	Redevelopment BLM Staff	June 22-25, 2015
Lower Line Spring	Redevelopment BLM Staff	August 10-13, 2015
Jenkins Trough Spring	Redevelopment BLM Staff Install wire fencing-BLM Staff	September 14-18, 2015 October 1-4, 2015
Range improvement inspections	This will occur annually. Necessary maintenance will occur.	Repeated annually at BLM expense.

Leases or Agreements:

There are no leases applicable to this project.